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THE
PARLIAMENTARY
OR
CONSTITUTIONAL
History of England;

Being a
FAITHFUL ACCOUNT
Of all the
Most remarkable TRANSACTIONS
In PARLIAMENT,
From the earliest TIMES.

COLLECTED
From the JOURNALS of both HOUSES, the RECORDS,
original MANUSCRIPTS, scarce SPEECHES and
TRACTS; all compared with the several Cotem-
porary Writers, and connected, throughout, with
the History of the Times.

By SEVERAL HANDS.

VOL. II.

From the Accession of King *Henry IV*, to the
Death of King *Henry VII*.

LONDON,
Printed; and Sold by *Thomas Osborne*, in *Gray's Inn*;
AND
William Sandby, against *St. Dunstan's Church, Fleet-street*.
MDCCLI.

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TO THE PRESENT

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House of Lords, all compiled with the most
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By GEORGE BAKER

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MDCCLII



T H E
P A R L I A M E N T A R Y H I S T O R Y
O F
E N G L A N D.

IT may well be said, that *Henry IV.* The Accession of King Henry IV. began his Reign at the Instant King *Richard* was committed Prisoner to the *Tower*; for we do not find that he ever did one Act of State afterwards (a). The new-elected King did not claim the Crown by that Right only, as judging it too precarious; but trumped up a much worse Title to it, by drawing his Pedigree from *Edmund*, surnamed *Crouchback*, as eldest Son to King *Henry III.* when it was then, and is now notorious, that the said *Edmund* was only Second Son to *Henry III.* On the Day of his Coronation, however, he took more Strings to his Bow; and by Proclamation, then made, he claim'd the Crown of *England*, First, by Conquest; Secondly, because King *Richard* had resigned that Dignity, and
V O L. II. A designed

(a) The last that we find, in the *Public Acts*, is dated at *Westminster*, September 20th, the Day before he was sent to the *Tower*.

King Henry IV. designed him for his Successor ; and Lastly, because he was of the Blood Royal, and next *Heir-Male* (b) unto King *Richard*.

We shall not dispute any further the Validity of any of these Titles : The strongest Arm then carried it ; for there was another Person, then in Being, who, after the Death of King *Richard*, without Issue, had been publicly proclaimed Heir Apparent to the Crown. This was *Edmund Mortimer*, Earl of *March*, Son to *Roger Mortimer*, slain in *Ireland*, who was descended from *Lionel*, Duke of *Clarence*, elder Brother to *John* Duke of *Lancaster*, King *Henry's* Father, by his Mother *Philippa*, only Daughter and Heir to the said *Lionel*. ‘ And ‘ therefore, says another Historian (c), the said *Edmund* ‘ thought himself nearer Heir Male to the Succession ‘ of the Crown, as indeed he was, than he that, by ‘ Colour of Right claiming it, carried it by Dint of ‘ Sword.’ But this Earl well considered, that the Torrent of the Times was far too impetuous for him to withstand, and therefore wisely withdrew himself from all publick Affairs, to his Castle and Barony of *Wigmore* in *Herefordshire*, where he lived a private Life for several Years. For, as Mr *Rapin* well observes, he had no other Way to secure his Repose, and even his Life, against the Suspicions of a Prince whose Interest it was to destroy him. And, it was but too probable that the new King would embrace the first Occasion to free himself from the Uneasiness, which such a Rival could create (d).

But, let the Steps to the Throne have been never so slippery and dangerous, *Henry* found himself safely placed in it, and fortified there by the Sanction of the two Houses of Parliament. Some Historians have hinted, that the Lower House was hardly brought to consent to the Deposition of the late King ; but, at length, was overawed by the great Ones, to a Compliance with it (e). But this does not appear upon Record by the Proceedings

(b) *Hæres Malus*, indeed, quoth *Edmond Mortimer* to his Secret Friends, and so is the Pyrate to the Merchant, when he robbeth him of all he hath.

Sir *John Hayward*, P. 99.

(c) *Hall's Chronicle*, Fol. X.

(d) *Rapin's History of England*, Fol. Edit. P. 484.

(e) Sir *John Hayward*. — *Biondi's Hist. of the Civil Wars*. P. 41.

ceedings of the next Parliament, which *Henry* had ^{King Henry IV,} called, and was to meet at *Westminster* on the 6th of *October* following.

We have sufficiently taken Notice what collusive Doings had been acted in calling these two Parliaments, the latter of which was to meet six Days after the former was dissolved; but were indeed the same individual Persons, both in Lords and Commons, as the former (*f*).

M. *Rapin* makes a just Reflection on this Piece of *Chicanery*, which we shall give in his own Words as follows:

‘ To proceed according to Custom, the Representatives must have been chosen anew. But *Henry* did not think fit to run the Risque of a less favourable Parliament than that which had so heartily espoused his Cause. He was contented, therefore, with empowering the same Representatives to make, with the House of Lords, a new Parliament under his Authority. I shall not venture to decide, whether this Proceeding was somewhat irregular, or authorised by any former Precedent. But, be that as it will, the same Parliament met again on the 9th of *October* (*g*), as if called by the new King.

We shall now proceed to quote from more certain Authority, which is the faithful Abridger of the Parliamentary Records themselves; advertising the Reader, that, since now Dr *Brady* and Mr *Tyrrel* are both silent, to avoid a Repetition of needless Notes, the Substance of Parliamentary Proceedings, in this and some succeeding Reigns, are wholly taken from Sir *Robert Cotton*’s Abridgment of them; and, where any Matter is advanced otherwise, the Authors shall then be remark’d.

But, it cannot be amiss in the Beginning of this Parliament, to give the Names of the Peers summoned to it by the second Writ, in *Henry*’s Name: And as these, with the Peers called to the first, stand, in the Abridgment, on two opposite Pages, there is no Difference except in the Names of the Kings; and, in the former, Sir *Thomas Erpingham* is put as Warden of the Cinque Ports,

A 2

Ports;

(*f*) See Vol. I. p. 502.

(*g*) *Rapin*, Vol. I. p. 484. — He should have said the 6th.

4 The Parliamentary HISTORY

King Henry IV.

A Parliament
call'd at West-
minster.

Ports, which in the other he is not. The first Writ is thus directed, *Rex [Richardus] &c. dilecto Consanguineo suo Henrico Duci Lancastriæ Salutem, &c. apud Westmonasterium in Crastino S. Michaelis proximo futuro. Teste Rege apud Cestriam xxix Die Augusti.* The other is, *Rex [Henricus] &c. Henrico Duci Lancastriæ [Filio suo] &c. apud Westmonasterium, in Festo Sanct. Fidis Virginis, sexto Die Octobris, 1399. Teste Rege apud Westmonasterium, 30 Septembris.* Next follow the Names and Titles of the Peers (b).

Edmond Duke of York,	William, Lord Clinton,
Edward Duke of Albemarle,	Thomas, Lord de la Ware,
Thomas Duke of Surrey,	Stephen, Lord Scrope of
John Duke of Exeter,	Masbam,
John Marquess of Dorset,	William, Lord Roos of
Thomas de Beauchamp, Earl	Hamlake,
of Warwick,	Henry, Lord Fitz-Hugh,
Aubrey de Vere, Earl of	William, Lord Ferrers of
Oxford,	Groby,
Edward Courtney, Earl of	Thomas, Lord Morley,
Devon,	Richard, Lord Scrope,
John de Montacute, Earl of	Hugh, Lord Burnel,
Sarum,	Thomas, Lord Berkeley of
Henry Percie, Earl of Nor-	Berkeley,
thumberland,	John, Lord Welles,
Edward, Earl of Stafford,	Philp, Lord Despencer,
Michael de la Pole, Earl of	Almaric, Lord St Amand,
Suffolk,	Ralph, Lord Cromwell,
Thomas de Percie, Earl of	Ralph, Lord Lumley,
Worcester,	Ralph, Lord Greystock,
Thomas le Despenfer, Earl	Robert, Lord Harrington,
of Glocester,	John, Lord Darcy,
Ralph Nevile, Earl of	Walter, Lord Fitz-Walter,
Westmoreland,	William, Lord Willoughby,
Thomas, Lord de Camois,	John, Lord Cobham,
John Lord Bouchier,	William, Lord Dacre,
John, Lord Charleton de	William, Lord Nevile of
Powys,	Hallomshire,
	Richard,

(b) There is a Mistake in Dugdale's Summons to Parliament, in placing the Writs for calling a Parliament at York, the first Year of this King, instead of the Second; and putting it before this Parliament at Westminster; as the Dates of the Writs, themselves, will evidently shew.

<i>Richard</i> , Lord <i>Seymore</i> ,	<i>Reginald</i> , Lord <i>Grey</i> of <i>King Henry IV.</i>
<i>William Beauchamp</i> , Lord	<i>Ruthin</i> ,
<i>Bergavenny</i> ,	<i>Thomas</i> , Lord <i>Bardolf</i> of
<i>John</i> , Lord <i>Lovell</i> , of <i>Tich-</i>	<i>Wormgay</i> ,
<i>marsh</i> ,	<i>Robert</i> , Lord <i>Scales</i> ,
<i>Richard</i> , Lord <i>Grey</i> of <i>Co-</i>	<i>Peter</i> , Lord <i>Mauley</i> .
<i>donore</i> ,	

On *Monday*, being the 6th of *October*, these Peers, with the Bishops and Commons of *England*, being assembled in the Great Hall at *Westminster*, and the new King placed in the Royal Throne; by his Command, *Thomas Arundele*, Archbishop of *Canterbury*, declared, ' That this Parliament was summon'd by King *Richard*, to be held the *Tuesday* next before. Which Summons was annull'd and made void by the Accepting of the Renunciation of the said King *Richard*, and Deposing of him; which was done the same Day in the Presence of the King, Lords and Commons, as by the Process hereafter to be read would appear.

The Archbishop of Canterbury informs them of King Richard's Deposition.

He then told them, ' That this most famous Realm, abounding in all Felicities, had been long governed by Children and young Counsellors, and would, utterly, have been ruined and wasted, had not God sent a wise and discreet Man to govern the same, who meant, by God's Help, to be governed himself by the wise and old Heads of the Realm.'

After this he took for his Text these Words out of *Maccabees*, *Incumbit nobis ordinare pro Regno*, i. e. *It is the King's Will to be governed by the honourable, discreet, and sage Men of the Realm, and by their common Consent; and not by his Will or Humour, to rule the same.* He further laid great Stress on this, ' That this Nation, of any under the Sun, might best support and live within itself, alledging for Authority this Adage, *Quod inter Regna, hoc Principatum tenet.*

To these he added, ' That to every good Government Three Things were required; First, Justice; next, That the Laws should be duly observed; and lastly, That every Degree of Men, in their several Vocations, should be encouraged and protected.' He brought many Reasons why this Nation ought to be

6 *The Parliamentary History*

King Henry IV. well governed, and said, ‘ That their new King intended strictly to observe these three Points.

He concluded with acquainting them, ‘ That *Henry*, their King and Lord, meant to be Crown’d on the *Monday* following, after which he would wholly addict himself to the Care of the Common-wealth; and desired the Commons that they would consent to have the Parliament continued to the *Tuesday* following.’ After this Harangue was ended, *Henry Percie*, Earl of *Northumberland*, and Constable of *England*, demanded of the Lords and Commons, whether they would agree to this Continuance, who, being all and severally examined, consented thereto.

Then the Receivers and Tryers of Petitions for *England*, *Ireland*, *Wales*, and *Scotland*, were appointed, with those for *Gascoigny*, and other Places beyond the Seas, with the Isles.

The next Thing they went upon, was to read the Record of the Renunciation of King *Richard II.* with their Acceptance of the same, and the Deposition of the said King, as follows :

The Roll of Parliament summoned and holden at Westminster, on the Feast of St Faith the Virgin, in the first Year of the Reign of King Henry IV. after the Conquest, Membrane XX.

The Record and Process of the Renunciation of King Richard II. after the Conquest, and likewise the Acceptance of the same Renunciation, with the Deposition of the same King Richard afterwards ensuing (i).

‘ **B**E it remembered, that on *Monday* the Feast of
 ‘ *St Michael the Archangel*, in the three and twentieth Year of the Reign of King *Richard II.* the
 ‘ Lords Spiritual and Temporal, and other Persons of
 ‘ Note; that is to say, the Lord *Richard le Scrope*
 ‘ Archbishop of *York*, *John* Bishop of *Hereford*, *Henry*
 ‘ Earl

(i) It was printed, from an attested Copy, in the original Languages, by Sir Roger Twissden, at the End of his Edition of the *Decem Scriptores Historiæ Anglicanæ*. Col. 2743. But, this Translation is taken from the History of the Life and Reign of *Richard II.* by a Person of Quality. 8vo. Lond. 1681. p. 192, &c.

‘ Earl of *Northumberland*, and *Ralph* Earl of *Westmore-* King Henry IV.
 ‘ *land*; the Lord *Hugh de Burnel*, *Thomas* Lord de
 ‘ *Berkeley*, the Prior of *Canterbury* with the Abbot of
 ‘ *Westminster*, *William Thyrning*, Knight, and *John*
 ‘ *Markham*, Justices; *Thomas Stow* and *John Burbache*,
 ‘ Doctors of Laws, *Thomas de Erpingham* and *Thomas*
 ‘ *Gray*, Knights, *William de Feryby* and *Dionysius Lap-*
 ‘ *ham*, Publick Notaries, first deputed to the Act un-
 ‘ der-written, by the Assent and Advice of several of
 ‘ the Lords Spiritual and Temporal, and of the Judges
 ‘ and others, skilful as well in the Civil and Canon
 ‘ Law, as in the Laws of the Realm, assembled at
 ‘ *Westminster* in the usual Place of Council; did about
 ‘ Nine of the Clock come to the Presence of the said
 ‘ King, being within the Tower of *London*: And it be-
 ‘ ing recited before the said King, by the said Earl of
 ‘ *Northumberland*, in the Behalf of all the rest before-
 ‘ named, so as aforefaid joyned with him: How the
 ‘ said King heretofore at *Conway* in *North-Wales*, (k)
 ‘ being at Liberty, did promise unto the Lord *Thomas*
 ‘ Archbishop of *Canterbury*, and the Earl of *Northum-*
 ‘ *berland*, that he would yield up and renounce the
 ‘ Crown of *England* and *France*, and his Regal Maje-
 ‘ jesty, for Causes of his Inability and Insufficiency,
 ‘ there by the said King himself confessed, and that in
 ‘ the best Manner and Form the same could be done,
 ‘ as Counsel learned should best order; the said King
 ‘ before the said Lords and others above-named, here-
 ‘ unto benignly answer’d, *That he would with Effect*
 ‘ *accomplish, what before in that Behalf he had promised,*
 ‘ but desired to have some Discourse with his Cousins,
 ‘ *Henry* Duke of *Lancaster*, and the said Lord Archbi-
 ‘ shop of *Canterbury*, before he fulfilled such his Pro-
 ‘ mise.

‘ Afterwards the same Day after Dinner, the said
 ‘ King much affecting the Coming of the said Duke
 ‘ of *Lancaster*, and having long waited for him, at last
 ‘ the said Duke of *Lancaster*, the Lords, and others
 ‘ above-named, and also the said Archbishop of *Can-*
 ‘ *terbury*, did come to the Presence of the said King in
 ‘ the Tower aforefaid; the Lords *de Roos*, *de Wil-*
 ‘ *loughby*, and *de Bergavenny*, and very many others be-
 ‘ ing

(k) See Vol. I. p. 501.

8 *The Parliamentary History*

King Henry IV. ing then there present ; and after the said King had
 had Discourse with the said Duke of *Lancaster* and
 Archbishop, exhibiting a merry Countenance here
 and there amongst them to Part thereof, as appeared
 to those that stood round about ; at last the said King
 calling to him all that were there present, did publickly
 say before them, *That he was ready to make the Re-*
nunciation, and to renounce and recede, according to the
Promise by him made as aforesaid. And so forthwith,
 although, as was said unto him, he might have made
 some Deputy to have serv'd as the Organ of his
 Voice, for avoiding so tedious a Labour as the reading
 of the said Cession and Renunciation, reduc'd by
 others into a Schedule of Parchment ; yet the said
 King, very willingly as appeared, and with a plea-
 sant Countenance, holding the said Schedule in his
 Hand, said, *That he himself would read it,* and di-
 stinctly read the same through : And also did absolve
 all his Liege People, and renounce, and recede, and
 swear, and other Things did say and pronounce in
 Reading, and did subscribe it with his own Hand, as
 is more fully contained in the said Schedule ; the Te-
 nor whereof is such.

The Form of K.
 Richard's Refig-
 nation of the
 Crown.

IN the Name of G O D, Amen. *I Richard, by the*
Grace of God, King of England and France, and
Lord of Ireland, do absolve the Archbishops, Bishops, and
other Prelates of Churches, secular or regular, of whatso-
ever Dignity, Degree, State, or Condition they be ; the
Dukes, Marquesses, Earls, Barons, Vassals and Valva-
sors ; and all and every my Liege People whatsoever, Ec-
clesiasticks or Seculars, of all the said Kingdoms and Do-
minions, by what Name soever they are known, from the
Oath of Fealty and Homage, and other Oaths whatsoe-
ver to me made, and from all Bond or Tye of Leigiance,
Royalty, and Dominion, whereby they have been or are
obliged, or otherwise in any Manner bound unto me.
And I do free, release, and acquit them and their Heirs
and Successors for ever, from the said Oaths and other
Obligations whatsoever. And I do dismiss them free, un-
loosen, quit and in full Immunity, as far as relates to my
Person, to every Effect of Law which may follow from the
Premisses,

Premisses, or any of them. And I do purely, of my own King Henry IV. *Accord, simply and absolutely, in and by the best Manner Way and Form that may be, in these Writings, Renounce and totally Resign, all Kingly Dignity and Majesty, and the Crown and Dominion and Power of the said Kingdoms and Dominions, and all other my Dominions and Possessions, or any Way belonging or appertaining unto me, by what Name soever they may be reckon'd up within the aforesaid Kingdoms, or elsewhere; and all Right and Colour of Right and Title, Possession and Dominion, which at any Time I have had, now have, or by any Means shall have in or to the same, or any of them, with their universal Rights and Appurtenances, or any Dependencies however, on them or any of them: And also the Rule and Government of the said Kingdoms and Dominions, and their Administration, and all Manner of meer and mixt Empire and Jurisdiction to me in the said Kingdoms belonging, or that may be belonging; and to the Name of King, and the Honour, Regality, and Celstitude Royal, purely, voluntarily, simply, and absolutely, by the best Manner Way and Form that the same can be done in these Writings, I do Renounce, and them do totally Resign, and in Deed and in Word dismiss and quit the same, and from them do recede for ever. Saving to my Successors Kings of England, the Rights to them or any of them belonging, or that shall any Way belong, in the said Kingdoms or Dominions, and all other the Premisses for ever. And I do confess, acknowledge, repute, and truly and out of certain Knowledge, do judge myself to have been and to be utterly insufficient and unuseful for the Rule and Government of the said Kingdoms and Dominions, with all their Appurtenances: And that for my notorious Demerits I deserve to be deposed. And I do swear upon these Holy Gospels of God, by me corporally touch'd, that I will never act contrary to the said Resignation, Renunciation, Dismission, and Cession; nor any Way oppose the same in Deed or in Word, by myself or any other or others: Nor will, as much as in me lies, permit the same publickly or privately to be contraried or opposed; but the said Renunciation, Resignation, Dismission and Cession, will for ever esteem ratified and well-pleasing, and firmly hold and observe the same*

King Henry IV. *same in the whole and in every Part ; so God me help, and these Holy Gospels of God.*

I the before-named King Richard do here subscribe myself with my own Hand.

‘ And presently to the said Renunciation and Cession, the said King added by Word of Mouth, *That if it lay in his Power the said Duke of Lancaster should succeed him in his Kingdom.* But because, as he said, this did not depend on his Pleasure, he did request the said Archbishop of *York*, and Bishop of *Hereford*, whom he for that Time had constituted his Procurators, to declare, and intimate such his Cession and Renunciation to the States of the Kingdom, *That they would be pleased to signify to the People, his Will and Intention in that Behalf.* And in Token of such his Will and Intention, did then and there openly pluck off the Golden Ring of his Signet from his own Finger, and put it upon the Finger of the said Duke of *Lancaster*, desiring as he affirmed, that the same might be made known to all the States of the Kingdom. Which being done, taking their Leaves on both Sides, they all went out of the said Tower, to return to their Lodgings.

‘ But on the Morrow, viz. *Tuesday* the Feast of St. *Jerome*, in the great Hall at *Westminster*, in the Place honourably prepared for holding the Parliament, the said Archbishops of *Canterbury* and *York*, and the Duke of *Lancaster*, and other Dukes and Lords, as well Spiritual as Temporal, whose Names are underwritten, and the Commons of the said Kingdom, assembled in a great Multitude in Parliament, being present, and the said Duke of *Lancaster* being seated in a Place due to his Quality, and the *Chair of State* *, being solemnly adorn’d with Cloth of Gold, but then empty, without any Person whatever presiding therein ; the above named Archbishop of *York*, in the Name of himself, and of the said Bishop of *Hereford*, according to the Order of the said King, did publickly declare the Cession, and Renunciation, to have been so made by him as aforesaid,

‘ with

* Or Royal Throne.

‘ with the Subscription of his Royal Hand, and Deli-
 ‘ very of his Signet. And the said Cession and Re-
 ‘ nunciation, did there cause to be read by another,
 ‘ first in *Latin* and then in *English*. King Henry IV.

‘ Immediately after which, it was demanded of the
 ‘ Estates and People there present, to wit, first of the
 ‘ Archbishop of *Canterbury*, to whom, by Reason of the
 ‘ Dignity and Prerogative of his Metropolitan Church
 ‘ of *Canterbury*, it belongs in this Behalf to have the
 ‘ first Voice amongst the rest of the Prelates, and No-
 ‘ bles of the Realm, Whether, *for their Interest and*
 ‘ *the Utility of the Kingdom, they would be pleased to ad-*
 ‘ *mit such Renunciation and Cession.* And the said
 ‘ States and People, judging from the Causes by the said
 ‘ King himself, in his Renunciation and Cession afore-
 ‘ said, signified, that the same was very expedient, did
 ‘ each Man singly by himself, and in common with the
 ‘ People, unanimously admit the said Cession and Re-
 ‘ nunciation.

‘ After which Admission, it was then and there pub-
 ‘ lickly declar’d, that besides such Cession and Renun-
 ‘ ciation, so as aforesaid admitted, it would be very ex-
 ‘ pedient and profitable to the Kingdom, for the re-
 ‘ moving of all Scruples, and taking away sinister Sus-
 ‘ picions, that very many Crimes and Defects, by the
 ‘ said King about the ill Governance of his Kingdom
 ‘ very often committed, reduc’d into Writing by Way
 ‘ of Articles, by Reason of which, as himself affirm’d
 ‘ in the Cession, by him made, he was deservedly to be
 ‘ deposed, should be publickly read, and declared to the
 ‘ People. And so the greatest Part of the said Articles,
 ‘ were then and there read through. The Tenour of
 ‘ all which Articles is such.

*But yet in the Roll, before the Articles, there are first
 these Words.*

‘ Here followeth the Form of the Oath, that is
 ‘ used and accustom’d to be taken by the Kings of *Eng-*
 ‘ *land*, at their Coronation; which the Archbishop of
 ‘ *Canterbury* hath used to require and receive from the
 ‘ said Kings, as in the Books of the Pontifical of the
 ‘ Archbishops and Bishops, is more fully contain’d.

‘ Which Oath, *Richard II.* after the Conquest of
 ‘ *England*, did take at his Coronation; and the same
 ‘ was

King Henry IV. ' was administred by the Archbishop of *Canterbury*,
 ' and the very same Oath the King afterwards repeat-
 ' ed, as in the Rolls of the Chancery may more fully
 ' be found of Record.

' *Thou shalt keep to the Church of God, and People, en-
 ' tire Peace and Concord in God, according to thy Power.*
 ' The King shall answer, *I will keep them.*

' *Thou shalt in all thy Judgments cause to be done, equal
 ' and right Justice, and Discretion, in Mercy, and in
 ' Truth, according to thy Power.* He shall answer, *I
 ' will so do.*

' *Thou dost grant the just Laws and Customs, as shall
 ' be held, and dost promise the same shall by thee be pro-
 ' tected, and for the Honour of God corroborated, quas
 ' vulgus elegerit, which the People shall chuse, to the ut-
 ' most of thy Power.* He shall answer, *I do so grant
 ' and promise.*

' To the aforesaid Questions, such others are added as
 ' shall be just, and all Things being so pronounced, the
 ' King by his own Oath on the Altar, before all the
 ' Assembly, confirms and promises, that he will keep
 ' and observe the same.

Then follow the Objections or Articles against the King, touching his Deposition.

The Articles
 against him.

I*mprimis*, It is objected against King *Richard*, that
 whereas by Reason of his ill Government, *viz.* His
 giving away the Goods and Possessions belonging to his
 Crown, and that to Persons unworthy ; and his indis-
 creet squandering the same away otherwise, and to that
 End imposing, without Cause, Collections and other
 grievous Burthens on his People, more than they were
 able to bear ; and also innumerable other Evils by his
 Assent and Command perpetrated ; there were by the
 whole Parliament certain Prelates, and others, Tempo-
 ral Lords, elected and assigned, who might with all
 their Power, and at their own Charges, faithfully la-
 bour about the just Government of the Realm : Yet
 the King causing a Conventicle to be held by him, with
 his Accomplices, the said Lords, as well Spiritual as
 Temporal, so occupy'd about the Safety and Profit of
 the Kingdom, did propose to impeach of High Trea-
 son ;

son ; and did violently draw the Judges of the Kingdom, for fear of Death and Corporal Tortures, to such his wicked Purpose, most vigorously striving to destroy the said Lords (*m*). King Henry IV.

II. The said King lately at *Shrewsbury*, caused several, and the greater Part of the Judges, to come before him and his Favourites privately in a Chamber, and by Menaces, and various Terrors, and such Affrightments as might fall even upon Men of constant Resolutions, did induce, cause, and compel them severally to answer certain Questions there propounded, on the Behalf of the King ; concerning the Laws of his Kingdom, besides, and against their Will, and otherwise than they would have answered, had they been at Liberty and unforc'd. By Colour of which Answers, the said King purposed to have proceeded afterwards to the Destruction of *Thomas Duke of Gloucester*, and the Earls of *Arundel* and *Warwick*, and other Lords, against whose Deeds and Behaviour the said King was much incensed, chiefly because they desir'd the said King to be under good Guidance ; but Providence withstanding it, by the Resistance and Power of the said Lords, the King was not able to bring such his Design to Effect (*n*).

III. When the Lords Temporal defending themselves, had withstood his Malice and Fraud, and the said King had prefix'd a Day for holding his Parliament, to do them and other Inhabitants of the Realm, Justice in that Behalf, and the said Temporal Lords, were quietly and peaceably gone home, and at rest in their Houses, in Hope and Confidence of the said Parliament, the King secretly sent the Duke of *Ireland* with his Letters and Standard towards *Chester*, and there gathered Multitudes in Arms, and caused them to rise against the said Lords, the Nobles of the Kingdom, and Servants of the State, publickly erecting his Standard against the Peace which he had sworn to keep. From whence Slaughters of Men, Captivities, Dissentions, and other infinite Mischiefs, did ensue throughout the whole Kingdom ; by which Act he became guilty of Perjury (*o*).

IV. Although the said King had in full Parliament, and

(*m*) Vol. I, p. 460. (*n*) *Ibid.* p. 483. (*o*) *Ibid.* p. 488.

King Henry IV. and by the Assent thereof, pardoned the said Duke of *Glocester*, and Earls of *Arundel*, and *Warwick*, and all their Assistants, and others, all Offences ; and had for many Years shewn Signs of Peace and Love, to the said Duke and Earls, and to the rest appeared with a pleasant and benign Countenance. Yet the said King always and continually bearing Gall in his Heart, did at last, taking an Opportunity, cause the said Duke of *Glocester*, the Uncle of him the said King, and also the Son of *Edward* the late King of *England*, of happy Memory, and Constable of *England*, then humbly going to meet the said King, in solemn Procession ; and the said Earls of *Arundel*, and *Warwick*, to be taken and arrested ; and him the said Duke out of the Kingdom of *England*, to the Town of *Calais*, did cause to be led, and there imprisoned, and under the Custody of the Earl of *Nottingham*, one of the Appellors of the said Duke, detained, and without Answer, or any lawful Process whatsoever, did inhumanly and cruelly cause to be suffocated, strangled, and murdered. And the Earl of *Arundel*, though he pleaded as well the General Pardon, as a Pardon afterwards to him specially granted, and desired Justice to be done him, yet in his Parliament, encompassed with armed Men, and innumerable Archers of the People by him gathered to that Purpose by Pressing, did damnably cause to be beheaded. And the Earl of *Warwick*, and Lord *Cobham*, did commit to perpetual Imprisonment ; wickedly and against Justice, and the Laws of his Kingdom, and his express Oath, confiscating their Lands and Tenements, as well Fee-simple, as Fee-tail, from them and their Heirs, and giving the same to their Appellors (p).

V. At the same Time, that the King in his Parliament caused the Duke of *Glocester*, and Earls of *Arundel* and *Warwick*, to be adjudged, that he might more freely exercise his Cruelty upon them, and accomplish his injurious Will in other Matters, he gathered to himself a great Multitude of Malefactors of the County of *Chester* ; of whom some passing with the King through the Kingdom, as well within the King's Palace as without, did cruelly kill the Liege Subjects of
the

the Kingdom, and some they beat and wounded, and King Henry IV. did plunder the Goods of the People, and refuse to pay for their Victuals, and did ravish and violate their Wives, and other Women ; and though there were grievous Complaints, of such their Excesses, brought to the Hearing of the said King, yet the said King did not regard to cause Justice to be done, or any Remedy thereupon, but did favour the said Troops in such their Evil-Doings, trusting in them and their Guard, against all others of his Kingdom ; for which Cause, the faithful People of his Kingdom had great Matter of Commotion and Indignation (q).

VI. Although the said King by his Writs, caused Proclamation to be made throughout the whole Kingdom, that he had caused his Uncle the Duke of *Glocester*, and the Earls of *Arundel* and *Warwick*, to be taken and arrested, not for any Assemblings or Troopings by them formerly made within the Kingdom of *England*, but for very many Extortions, Oppressions, and other Things by them afterwards done, and perpetrated, against his Royalty, and Kingly Majesty ; And that it was not his Intention, that any of the Family of the said Duke, and Earls, or of their Followers at the Time of such Assembling, and Trooping, should for that Occasion be molested, or aggrieved ; yet the said King, at last, in his Parliament, did not impeach the said Lords for Extortions, Oppressions, or any such Matters, but for the Assemblings and Troopings afore said did adjudge them to Death ; and very many of the Family of the said Lords, and others, who were following them at the Time of such their Assembling, and Trooping, he did, for Fear of Death, force to make Fine and Ransom, as Traitors or Rebels, to the great Destruction of a great Number of his People. And so he did subtly, fraudulently, and maliciously deceive the said Lords, and their Domestics, and the People of his Kingdom (r).

VII. After very many of those Persons so making Fine and Ransom, had obtained of the King, his Letters Patent of full Pardon in the Premises, they could not reap any Commodity by such Letters of Pardon,
till

(q) Vol. I. p. 488.

(r) *Ibid.* p. 466.

King Henry IV. 'till they had made new Fines, and Ransoms, for saving of their Life, whereby very many were impoverish'd ; which was a great Derogation and Dishonour to the Name and State of a King.

VIII. In the last Parliament held at *Shrewsbury*, the said King purposing to oppress his People, subtly procured, and caused it to be granted, that the *Power of the Parliament, by the Consent of the States of this Kingdom, should remain in certain Persons, to determine, after the Dissolution of the Parliament, certain Petitions in the said Parliament exhibited, but then not dispatched.* By Colour of which Grant, the Persons so deputed proceeded to other Things generally touching that Parliament. And this with the Will of the King; in Derogation of the State of Parliament, and the great Damage of the whole Kingdom, and pernicious Example. And that they might seem to have some Colour and Authority, for such their Doings, the King caused the Parliament Rolls to be altered and blotted at his Pleasure, against the Effect of the said Grant (s).

IX. Notwithstanding the said King at his Coronation had sworn, *That in all his Judgments, he would cause to be done equal and right Justice, and Discretion, in Mercy and Truth, according to his Power ;* yet the said King rigorously, without all Mercy, did, amongst other Things, ordain, under grievous Penalties, that none should sue for any Favour, or intercede with the said King, for *Henry Duke of Lancaster*, being banished, whereby the said King did act against the Bond of Charity, rashly violating his Oath aforesaid (t).

X. Although the Crown of the Kingdom of *England*, and the Rights of the said Crown, and the Kingdom itself, have in all Time past, been so free, that our Lord the Pope, nor any other without the Kingdom, ought to concern himself about the same ; yet the aforesaid King, for the Corroboration of such his erroneous Statutes, did make Supplication to our Lord the Pope, that he would confirm the Statutes ordain'd in his last Parliament, whereupon our Lord the Pope granted his *Apostolick Letters*, in which grievous Censures are denounced against any that should presume in any Thing

(s) *Ibid.* p. 492.

(t) *Ibid.* p. 495.

Thing to act contrary to the said Statutes; all which King Henry IV. are well known to tend against the Crown, and Royal Dignity, and against the Statutes and Liberties of the said Kingdom (u).

XI. Although the Lord *Henry*, now Duke of *Lancaster*, by the King's Command had preferred his Bill touching the *State and Honour of the King*, against the Duke of *Norfolk*, and the same had duly prosecuted; so that according to the King's Order, he had exhibited himself in all Points prepared for the Combate. And the said King had declared, that the said Duke of *Lancaster* had honourably performed his Devoir as much as in him lay, and this by a Decree publickly proclaimed before all the People assembled at the said Combate: Yet the said King, without any legal Reason whatsoever, did cause and command the said Duke to be banish'd for ten Years, against all Justice, and the Laws and Customs of this Kingdom, and the Law of War in that Behalf, thereby damnably incurring Perjury (x).

XII. After the said King had graciously granted by his Letters Patents, to the Lord *Henry* now Duke of *Lancaster*, that in his Absence whilst he was banish'd, his General Attornies might prosecute for Livery to him to be made of all Manner of Inheritance or Successions belonging unto him, and that his Homage should be respited, paying a certain reasonable Fine; he injuriously did revoke the said Letters Patent, against the Laws of the Land, thereby incurring the Crime of Perjury (y).

XIII. Notwithstanding that it was Enacted, that every Year the Officers of the King, with his Justices and others of the King's Council, should choose Sheriffs for all the Counties of *England*, and name them to our Lord the King, according as to their Discretion and Conscience should seem expedient, for the Good and Utility of the Kingdom, the said King hath caused Persons to be made Sheriffs, *not so nominated or elected*, but others according to the Capricio's of his Pleasure, sometimes his Favourites or Creatures, and sometimes such as he knew would not oppose his Humour, for his

VOL. II.

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own

(u) See before, Vol. I. p. 486. (x) *Ibid.* p. 494. (y) *Ibid.* p. 497.

King Henry IV. own and others private Advantage, to the great Grievance of his People, and against the Laws of his Kingdom, thereby notoriously incurring Perjury. (z)

XIV. At such Time as the aforesaid King requested, and had of very many Lords and others of his Kingdom, divers Sums of Money by way of Loan, to be paid again at a cert in Term, notwithstanding the said King faithfully promised by his several Letters Patent to the several Persons of whom he borrowed the said Monies, that at the Term limited as aforesaid, he would repay the same; yet he did not fulfil such his Promise, nor are they yet satisfied the said Monies, whereby such Creditors are much agrieved, and not only they, but many others of the Kingdom repute the King unfaithful.

XV. Whereas the King of *England*, by the Revenue of his Kingdom, and the Patrimony belonging to his Crown, is able to live honestly, without the Oppression of his People, as long as the Kingdom is not burden'd with the Charge of Wars; yet the said King, in a Manner for his whole Time during the Truces between the Kingdom of *England* and its Adversaries, hath not only given away a great, yea indeed the greatest Part of his said Patrimony, and this to unworthy Persons; but also hath further imposed on his Subjects so many Burthens of Monies granted, as it were every Year of his Reign, that thereby he hath extremely and too excessively oppressed his People, to the Impoverishment of his Kingdom; not converting the Goods so levied to the Commodity and Profit of the Kingdom of *England*, but prodigally squandering it away for the Ostentation of his Name, and in Pomp and Vain-Glory: Whilst great Sums of Money are owing in his Kingdom for the Victuals of his Household, and other Things bought, though he hath abounded with Riches and Treasures more than any of his Progenitors.

XVI. The said King not willing to keep or protect the just Laws and Customs of his Kingdom, but according to his Arbitrary Will to do whatsoever should occur to his Desires; sometimes and very often, when the Laws of his Kingdom have been expounded and declared

(z) See Vol. I. p. 406.

declared to him by the Judges and others of his Council, and that they have desired that he would do Justice according to those Laws, hath expressly and with an angry and haughty Countenance, said, *That his Laws were in his Mouth*; and sometimes, *That they were in his Breast*: And, that *He himself alone could make and change the Laws of his Kingdom*: And being seduced with that Opinion, did not suffer Justice to be done to very many of his Liege People, but by Threats and Terrors hath forced very many to cease from the Prosecution of Common Justice.

XVII. That after certain Statutes had been made in Parliament, which always bind till they are specially revok'd by the Authority of another Parliament; the said King desiring to enjoy such Liberty that no such Statutes should so bind him, but that he might do and execute his Pleasure, subtilly procured a Petition to be preferred in his Parliament on Behalf of the Commonalty of his Kingdom, and to be granted to him in general, *That he might be as free as any of his Progenitors were before him*: By Colour of which Petition and Concession the said King hath very often commanded very many Things to be done against such Statutes unrepealed; acting therein expressly and knowingly against his Oath taken in his Coronation, as aforesaid (a).

XVIII. Although it was Enacted and Ordained, that no Sheriff should hold his Office above one Year together, but that three Years should pass, before he should be again admitted to that Office; the said King Richard sometimes for his own single Commodity, and sometimes at the Instance of others for their Advantage, hath permitted and caused certain Sheriffs to stand and remain continually in their Offices, sometimes two, sometimes three Years, against the Tenor and Effect of the Statute aforesaid, thereby incurring Perjury; and this is notorious, publick, and generally ill spoken of.

XIX. Although by the Statute and Custom of his Realm in the calling together of every Parliament, his People in the several Counties of the Kingdom ought to be free in choosing and deputing two Knights to be

B 2

present

(a) See Vol. I. p. 449.

King Henry IV. present in such Parliament for each respective County ; and to declare their Grievances, and to prosecute such Remedies thereupon, as to them shall seem expedient : Yet the aforesaid King, that in his Parliaments he might be able more freely to accomplish the Effects of his Head-strong Will, did very often direct his Commands to his Sheriffs, that they should cause to come to his Parliaments as Knights of the Shire, certain Persons by the said King named (*b*), which Knights being his Favourites he might lead, as often he had done, sometimes by various Menaces and Terrors, and sometimes by Gifts, to consent to those Things as were prejudicial to the Kingdom, and exceeding burdensome to the People ; and especially to grant to the said King a Subsidy on Wool for the *Term of his Life*, and another Subsidy for certain Years, thereby too grievously oppressing his People (*c*).

XX. The said King, that he might more freely fulfil and follow in every Thing his own Arbitrary Will, did unlawfully cause and command, That the Sheriffs throughout his whole Realm, besides their ancient accustomed Oath, should swear that they would obey all his Commands, as often as they should be directed to them, under his Great and Privy Seal, and also his Letters under his Signet : And that in case the said Sheriffs should come to know that any within their Bailiwicks, of whatsoever Condition they were, had publicly or secretly said or spoken any Ill, that might tend to the Disgrace or Scandal of his Royal Person, they should arrest and imprison them, there safely to be kept 'till they should receive Command from the King to the contrary, as may be found in the Record ; which Fact may probably tend to the Destruction of many of the Liege People of the said Kingdom.

XXI. The said King striving to trample under Foot his People, and subtilly to acquire their Goods to himself, that he might abound in superfluous Riches, did cause the People of Seventeen Counties of the Realm to submit themselves to the King as Traitors, by Letters under their Seals ; by Colour whereof he got mighty Sums of Money to be granted him by the Clergy and People

(*b*) See Vol. I. p. 406. (*c*) *Ibid.* p. 486.

People of those Counties, for obtaining his Royal Good-Will and Favour: And though to please the People, the King had caused those obligatory Letters to be restored, yet the Procurators of the People having full Power granted them to oblige themselves and their Heirs to the said King; he the said King caused them under their Seals to be bound to him in the Name of the said People, and so deceived his People, and subtilly extorted from them their Goods.

King Henry IV.

XXII. Although the said King at his Coronation had sworn to keep the Liberties granted to the Church of *England*, yet the said King, by Reason of his Voyage into *Ireland*, did by his Letters command very many Religious Persons, *viz.* Abbots and Priors of his Kingdom, strictly requiring that some of them should send to him certain Horses; and some of them not only Horses, but also Waggon and Carriages for his said Voyage, or in Lieu thereof great Sums of Money in the said Letters expressed: By which Manner of Writing, he forced many of such Religious out of Fear to fulfil his Will and Command, whereby they were heavily impoverish'd and oppress'd, in manifest Derogation of Ecclesiastical Liberty; by which Pretext the said King *Richard* did incur Perjury.

XXIII. In most of the great Royal Councils, when the Lords of the Realm, the Judges and others, being charg'd that they would faithfully counsel the King in Matters relating to his State and that of his Kingdom: The said Lords, Justices, and others, very often in giving Counsel according to their best Discretion, have been by the King suddenly and so fiercely chidden and reprov'd, that they have not dared to speak the Truth, in giving their Advice for the State of the King and Kingdom (*d*).

XXIV. The Treasure, Crowns, Reliques, and other Jewels, *viz.* The Goods of the Kingdom, which Time out of Mind have been reposit'd in the Treasury of the Kingdom, for the Honour of the King, and Preservation of his Kingdom against any sudden Event or Exigency; the said King going out of his Kingdom into *Ireland*, did take away, and caused the

B 3

same

(*d*) See Vol. I. P. 406.

King Henry IV. same to be carried with him, *without the Consent of the States of the Kingdom*: Whereby this Kingdom had been vastly impoverish'd, if God by the retaking of the said Goods against the said King's Will had not otherwise provided. And furthermore the said King did cause the Rolls of Records touching the State and Government of his Kingdom to be destroyed and rased, to the great Prejudice of his People, and disinheriting of the Crown of the said Kingdom: And all this, as 'tis probably believed, in Favour and Support of his Evil Governance.

XXV. The said King was wont, as it were perpetually, to be so variable and dissembling in his Words and Writings, and so contrary to himself, and especially in writing to the Pope, and to Kings, and other Lords out of the Kingdom, and within it, and also to others his Subjects, that no Man living that knew his Conditions could or would confide in him; nay, he was reputed so unfaithful and unconstant, that it became scandalous not only to his own Person, but also to the whole Kingdom, and especially amongst Foreigners of all the World who came to know the same.

XXVI. Although the Lands and Tenements, the Goods and Chattels of every Freeman, by the Laws of the Realm used from all Time heretofore, ought not to be taken from him, unless they be forfeited: Yet the said King purposing and longing to weaken such Laws, in the Presence of very many Lords, and others of the Commonalty of the Kingdom, hath frequently said and affirm'd, *That the Life of every one of his Subjects, and his Lands, Tenements, Goods, and Chattels, are his, the said King's, at his Will and Pleasure, without any Forfeiture*: Which is utterly against the Laws and Customs of the Kingdom aforesaid.

XXVII. Although it was enacted and ordained, and is hitherto confirmed, That no Freeman shall be taken, nor any way destroyed; and that the King shall not pass, nor send any to pass upon him, but by the lawful Judgment of his Peers, or by the Laws of the Land: Yet by the Will, Command and Order of the

the said King, very many of his Liege People being King Henry IV. maliciously accused for having publicly or secretly said something that might tend to the Dispraise, Scandal, or Disgrace of the Person of the said King, have been taken and imprisoned, and brought before the Constable and Marshal of *England* in the Court Military, in which Court the said Liege People being accused would not be admitted to make any other Answer, than that they were no way guilty, and would justify the same, and defend themselves by their Bodies, and not otherwise; notwithstanding their Appellors were young Men, stout and lusty, and those so accused, ancient and impotent, maim'd or infirm; whereby not only Destruction of the Lords and Grandees of the Kingdom, but also of all and singular Persons of the Commonalty of the same may probably ensue: Since therefore the said King hath wilfully acted contrary to such a Statute of this Kingdom, 'tis not to be doubted but he hath thereby incurred the Crime of Perjury.

XXVIII. Although the People of the Realm of *England*, by Virtue of their Leigiance, are fully enough bound to their King; and the said King, by the Laws and Customs of his Kingdom, is enabled to correct and punish his People, if in any Kind they transgress; yet the said King desiring to trample on, and too much oppress his People, that he might the more freely execute and follow the Humour of his foolish and unlawful Will, by his Letters to all the Counties of his Kingdom, did enjoin and command, That all his Subjects, as well Spiritual as Temporal, should take certain Oaths in general, which were too grievous to them, and which might probably cause the final Destruction of his People; and that they should confirm such their Oaths under their Letters and Seals. To which Royal Command, the People of his Kingdom did submit and pay Obedience, that they might not incur his Indignation or Displeasure, and also for Fear of Death (*d*).

XXIX. When Parties contending in the Ecclesiastical Court in Causes meerly Ecclesiastical and Spiritual, had endeavoured to obtain from the Chancellor of *England*, Prohibitions to hinder the lawful Process in the
said

(*d*) See Vol. I. p. 486.

King Henry IV. said Courts, and the said Chancellor had justly refus'd to grant the same: Yet the said King by Letters under his Signet, has frequently prohibited the Ecclesiastical Judges to proceed in such Causes, thereby evilly infringing the Liberties of the Church in the Grand Charter approved, to the Conservation whereof he was sworn, and damnably incurring Perjury, and the Sentence of Excommunication against such Violators thereof by the Holy Fathers pronounc'd.

XXX. The said King without any reasonable or lawful Cause whatsoever, or any other Process of Law, did in his Parliament, encompass'd in warlike Manner by armed Men, adjudge *Thomas of Arundel*, Lord Archbishop of *Canterbury*, (Primate of all *England*, his Spiritual Father, absenting himself by the treacherous Counsel of the said King) to Banishment, against the Laws of his Kingdom, so by him sworn to as aforesaid (e).

XXXI. By Inspection of the Testament of the said King; sealed with the Great and Privy Seal, and also with his Signet, among other Things there is contained this Clause or Article.— ‘ *Item*, We will that the
 ‘ Residue of our Gold, (the true Debts of our Household,
 ‘ Chamber, and Wardrobe, being paid, for Payment
 ‘ whereof we bequeath twenty thousand Marks, reserv-
 ‘ ing to our Executors, five or six thousand Marks;
 ‘ which we will by them to be expended towards the
 ‘ more plentiful Maintenance of the Lepers, and Chap-
 ‘ lains, to celebrate before them, by us founded at
 ‘ *Westminster*, and *Bermondeseye*,) shall remain to our
 ‘ Successor, provided always that he approve, ratify and
 ‘ confirm, and hold, and cause to be holden, and firm-
 ‘ ly observed, all and singular, the Statutes, Ordinan-
 ‘ ces, and Judgments, made, given, and rendered in
 ‘ our Parliament, begun at *Westminster* the 17th Day
 ‘ of the Month of *September*, in the one and twentieth
 ‘ Year of our Reign, and in the same Parliament, con-
 ‘ tinued at *Shrewsbury*, and there holden; and also, all
 ‘ the Ordinances, Judgments, and Establishments, of
 ‘ the 16th Day of *September*, in the 22d Year of our
 ‘ Reign, at *Coventry*; and afterwards at *Westminster*,
 ‘ the 8th Day of *March*, in the Year aforesaid, by the
 ‘ Authority

(e) See Vol. I. p. 465.

‘ Authority of the said Parliament ; and likewise all
 ‘ other Ordinances, and Judgments, which shall here-
 ‘ after happen to be made by Authority of the said Par-
 ‘ liament. But otherwise, if our said Successor shall
 ‘ refuse to perform the Premisses, (which we do not
 ‘ believe) then we will that *Thomas Duke of Surrey,*
 ‘ *Edward Duke of Albemarle,* *John Duke of Ex-*
 ‘ *eter,* and *William le Scrope Earl of Wiltshire,* pay-
 ‘ ing first the Debts of our Household, our Cham-
 ‘ ber, and our Wardrobe, and reserving five or six
 ‘ thousand Marks, as aforesaid, shall have and hold
 ‘ all the said Residue abovemention’d ; for to support
 ‘ and defend the said Statutes, Establishments, Ordi-
 ‘ nances, and Judgments, to their utmost Power, e-
 ‘ ven unto Death, if it be necessary ; upon all which,
 ‘ and every Part, we do hereby charge and burden their
 ‘ Consciences as they will answer in the Day of Judg-
 ‘ ment.’ By which Article it may evidently enough
 appear, that the said King did obstinately strive to main-
 tain and defend those Statutes and Ordinances, which
 are erroneous and unjust, and repugnant to all Law and
 Reason. And this not only during his Life, but after
 his Death too ; neither regarding the Peril of his own
 Soul, nor yet the utter Destruction of his said Kingdom
 or Liege People.

XXXII. In the 11th Year of the said King *Richard,*
 he the said King, in the Chappel of his Manor of *Lang-*
ley, in the Presence of the Dukes of *Lancaster* and *York,*
 and very many other Lords, desiring, as it hath appear-
 ed, that his Uncle the Duke of *Glocester,* then there
 present, should fully confide in the good Will of him
 the said King ; did voluntarily and of his own Accord,
 swear before the venerable Sacrament of the Lord’s Bo-
 dy, there placed upon the Altar, that thenceforwards he
 would never endamage, trouble, or grieve him, the
 said Duke of *Glocester,* for any of his Deeds which were
 said to have been committed against the Person of him
 the said King, but did cheerfully and totally forgive
 him all his Offence, if any were. Yet afterwards,
 notwithstanding such Oath, the said King did horribly
 and cruelly cause the said Duke to be murder’d, for such
 the

King Henry IV.

King Henry IV. the before pretended Offences, thereby incurring the Guilt of damnable Perjury (*f*).

XXXIII. After one of the Knights of the Shires, of the said Kingdom, having a Voice in Parliament, had impeach'd the said *Thomas*, Archbishop of *Canterbury*, upon certain Defaults, committed against the King's Majesty, as was untruly suggested; and the said Archbishop, presently then and there offered himself ready to answer the Matters charged upon him; and desired that he might be thereunto admitted by the King, not doubting, as he said, but he should be able sufficiently to shew his Innocence: Yet the said King, contriving by all the Ways and Means he could, to oppress the said Archbishop of *Canterbury*, and ruin his Estate, as the Event of the Matter has declared, speaking graciously, and with a chearful Countenance to the said Archbishop, from his Royal Seat, did advise, and very earnestly request him, that at that Time, he would hold his Peace, and expect a better and more fit Time to make his Defence (*g*); which Day being passed, the said King from Day to Day, for Five Days or more, did fraudulently and treacherously deceive the said Archbishop, counselling him, and persuading him, that he should not come to the Parliament, but wait at home without any Fear; because, as the said King faithfully did promise him, there should not in his Absence any Loss or Prejudice be done or happen to him. Notwithstanding all which, the said King, in his Parliament aforesaid, did in the mean Time adjudge the said Archbishop to be banished, during the King's Pleasure, though absent, and never any way called to answer, and without any reasonable Cause whatsoever; and also voluntarily, against the Laws of the Kingdom and all Justice, confiscated all his Goods, whereby he likewise became guilty of Perjury. But furthermore, the said King being willing to palliate his Malice and Subtilty, by flattering Discourses which he oft-times had with the said Archbishop, did endeavour to clear himself of such Injury done, and make as if it were the Doings of others; insomuch that the Archbishop discoursing with the King, and with the Duke of *Norfolk*,

(*f*) See Vol. I. P. 476. (*g*) *Ibid.* p. 466.

folk, and other Lords, and great Men of the King-
 dom ; happen'd to say by way of lamenting his own
 Condition, ' That he was not the first that had suffer-
 ' ed Banishment, nor should he be the last ; for he
 ' thought in a short Time the Duke of *Norfolk*, and
 ' other Lords would follow him ; and confidently a-
 ' verred to the King, That all the Rigour of these Pro-
 ' ceedings would finally be returned back on his own
 ' Head.' To which the said King, as astonished, ha-
 stily replied, *That he verily thought it might so happen ;*
and that he himself might and indeed ought to be ex-
pell'd his Kingdom by his Liege People. And further the
 said King said, *That if the same should happen, He*
would convey himself to the same Place, where the said
Archbishop should be. And that the Archbishop might
 the rather credit his Words, he shewed him a certain
 great Jewel (g), curiously formed, underneath the
 Skirt of his outward Vestment ; intimating for certain,
 to the said Archbishop, that whenever he should send
 that Jewel for a Token, he would not delay to come
 thither, where the said Archbishop should be resident :
 And that the said Archbishop might more confide in
 him ; the said King sent to him, advising him, that he
 should privately send all his Jewels, and other Things
 of Value, belonging to his Chapel, unto him the said
 King, for the safe keeping thereof ; lest by Colour of
 the before-mentioned Judgment, any one should wrong-
 fully seize the same. Which, under the greatest Confi-
 dence in the World, being done, the said King caused
 him to reposit the said Goods in certain Coffers ; and
 the said Coffers to be locked up, and sealed by one of
 the Archbishop's Clerks ; and keeping the said Coffers
 by him, returned the Keys thereof by the said Clerk to
 the Archbishop : Yet afterwards, unknown to the said
 Archbishop, caused the said Coffers to be broken open,
 and disposed of the Goods therein, at his Will and Plea-
 sure. Furthermore, the said King faithfully promised
 the said Archbishop, that if he would but repair to the
 Port of *Hampton*, in order to go out of the Realm, he
 would at last, by the Intercession of the Queen, get
 him recalled. And if it should happen, that he the
 said

(g) *Monile, a Brooch, or Tablet.*

King Henry IV. said Archbishop should go out of the Realm, he should without fail return into *England*, before *Easter* next following ; nor should in any kind lose his Archbishoprick : And this he faithfully promised, swearing upon the Cross of the late Martyr St *Thomas*, Archbishop of *Canterbury*, by him the said King corporally touched : All which Promises notwithstanding, the said King forced the said Archbishop to depart the Realm ; and forthwith transmitted special Letters to the Apostolical See, to have him translated. And so, and by other Frauds, and deceitful Tricks of the said King, the said Archbishop, being a well-meaning believing Man, was subtilly circumvented.

After the Recital of the foregoing Articles, the Record proceeds thus ;

‘ And because it seemed to all the Estates of the
 ‘ Realm, being asked their Judgments thereupon, as
 ‘ well severally as jointly ; that these Causes of Crimes
 ‘ and Defaults were sufficient and notorious to depose
 ‘ the said King ; considering also his own Confession
 ‘ of his Insufficiency, and other Things contained in
 ‘ his said Renunciation and Cession, openly delivered ;
 ‘ all the said States did unanimously consent, that
 ‘ *ex abundanti*, they should proceed unto a Deposi-
 ‘ tion of the said King ; for the greater Security and
 ‘ Tranquility of the People, and Benefit of the King-
 ‘ dom. Whereupon the said States and Commons
 ‘ unanimously constituted, and publicly deputed
 ‘ certain Commissioners, *viz.* The Bishop of St
 ‘ *Asaph*, the Abbot of *Glastonbury*, the Earl of *Glocester*,
 ‘ the Lord *Berkeley*, Sir *Thomas Erpyngham*, and Sir
 ‘ *Thomas Grey*, Knights, and Sir *William Thirnyng*,
 ‘ one of the Justices, to pass such Sentence of Deposi-
 ‘ tion ; and to depose the said King *Richard*, from all
 ‘ Kingly Dignity, Majesty, and Honour, on the Be-
 ‘ half and in the Name, and by the Authority of all
 ‘ the said States, as in like Cases, from the antient Cu-
 ‘ stom of the said Kingdom had been observed (*b*). And
 ‘ forthwith the said Commissioners taking upon them-
 ‘ selves the Burthen of the said Commission, and sit-
 ‘ ting

(*b*) See the Proceedings upon the Deposition of King *Edward* the Second, in Vol. I. p. 182, &c.

ting on a Tribunal before the said Royal Chair of King Henry IV.
 State, having first had some Debate of the Matter,
 did on the Behalf and in the Name, and by the Au-
 thority aforesaid, pass the said Sentence of Deposition,
 on, being reduced into Writing; and caused such
 their Sentence to be read and recited by the said Bi-
 shop of St Asaph, their Colleague, by the Will and
 Command of the rest of the said Commissioners: In
 these Words;

IN the Name of God, Amen. We John, Bishop of St Asaph, John Abbot of Glastonbury, Thomas Earl of Gloucester, Thomas Lord Berkeley, Thomas de Erpyngham, and Thomas Grey, Knights, and William Thirnyng Justice, Commissioners specially deputed to the Matters under written, by the Peers and Lords Spiritual and Temporal of the Kingdom of England, and the Commons of the said Kingdom, representing all the Estates of the said Realm, sitting in Tribunal; and having considered the multiplied Perjuries, Cruelty, and very many other Crimes of the said Richard, touching his Government, committed and perpetrated in his Kingdoms and Dominions aforesaid, during the Time of his Governance; all of them before the said States, openly and publickly propounded, exhibited, and recited; which have been and are so publick, notorious, manifest, and scandalous, that they could not nor can be concealed with Denial or Excuse. And considering likewise the Confession of the said Richard, acknowledging and reputing, and truly, and of his own certain Knowledge judging, himself to have been and to be utterly insufficient and unmeet for the Rule and Government of the said Kingdoms and Dominions, and their Appurtenances, and for such his notorious Demerits worthy to be deposed; as by him the said Richard, was before declared, and by his Will and Command, published before the said States, and made known and exposed to them in the Vulgar Tongue (i); having already had diligent Deliberation upon these Things and all others, transacted in this Affair before the said States and us, We do, on the Behalf, and in the Name, and by the Authority to us in this Matter committed, ex abundanti,

The Sentence of
Deposition passed
upon King
Richard.

(i) See before, p. 8.

King Henry IV. danti *and for Caution, pronounce, decree, and declare him the said Richard, to have been, and to be unfit, unable, and utterly insufficient for, and unworthy of the Rule and Government of the said Kingdoms, and the Dominion, and Rights, and Appurtenances of the same; and for and by Reason of the Premisses, to be deservedly Deposed of, and from all Royal Dignity and Honour, if any Thing of such Dignity and Honour were yet remaining in him. And with the same Caution we do Depose him by this our definitive Sentence in Writing, expressly forbidding all and singular the Lords, Archbishops, Bishops, and Prelates, Dukes, Marquesses, Earls, Barons, Knights, Vassals, and Valvasors, and other Subjects, and Liege People of the said Kingdoms and Dominion, and other Places to the said Kingdoms and Dominion belonging, that henceforth none of them shall any way obey or regard the said Richard, as King or Lord of the said Kingdom and Dominion.*

‘ Furthermore, the said States willing that nothing
 ‘ should be wanting which might be of value, or ought
 ‘ to be required touching the Premisses, being severally
 ‘ interrogated thereupon, did constitute the same Persons that were before nominated Commissioners, to
 ‘ be their Procurators, jointly and severally to resign
 ‘ and give back to the said King *Richard*, the Homage
 ‘ and Fealty to him before made, and to intimate to
 ‘ him, if it should be requisite, all the Premisses, touching such his Deposition and Renunciation.

‘ And then presently, as soon as it appeared by the
 ‘ Premisses, and the Occasion of them, that the
 ‘ Crown of *England*, with its Appurtenances was vacant; the aforesaid *Henry Duke of Lancaster*, rising
 ‘ up from his Place, and standing so erected as he might
 ‘ conveniently be seen by the People, and humbly fortifying himself with the Sign of the Cross on his
 ‘ Forehead, and on his Breast, having also first called
 ‘ upon the Name of *Christ*, did claim the said Kingdom,
 ‘ so vacant as aforesaid, with its Crown and all its
 ‘ Members and Appurtenances; in this Form of Words
 ‘ in his Mother Tongue.

In the Name of Father, Son, and Holy Ghost, I King Henry IV.
Henry of Lancaster, challenge this Rewme of Yng-
londe, and the Crowne with all the Members, and the
Appurtenances, als I that am descendit, be Right
Line of the Blode, comyng fro the Gude Lord King
Henry Therde, and thoghe that Right that God of his
Grace hath sent mee, with helpe of my kyn, and of Henry's Claim
my frendes to recover it; The which Rewme was to the Crown.
in poynt to be on one for default of Governance, and
undoynge of the Gude Lawes.

‘ After which Claim and Challenge, as well the
‘ Lords Spiritual as Temporal, and all the States there
‘ present, being severally and jointly interrogated,
‘ what they thought of that Claim; the said States
‘ with the whole People, without any Difficulty or De-
‘ lay did unanimously consent, that the said Duke
‘ should reign over them. And forthwith, as the said
‘ King shewed to the States of the Kingdom the Sig-
‘ net of King *Richard*, delivered to him as a Token of
‘ his Will, that he should succeed him as aforesaid (k);
‘ the said Archbishop taking the said King *Henry* by
‘ the right Hand, led him to the Royal Chair of State:
‘ And after the said King kneeling down before it, had
‘ prayed a little while, the said Archbishop of *Canter-*
‘ *bury*, assisted by the Archbishop of *York*, did place the
‘ said King, and cause him to sit in the said Royal
‘ Seat; all the People wonderfully shouting for Joy.
‘ And by and by the said Archbishop of *Canterbury*,
‘ having with much ado procured Silence from the
‘ over-joy’d Multitude, made a short Discourse, or O-
‘ ration in these Words.’

Vir dominabitur Populo, *A Man shall reign over my
People, 1 Sam. ix. 17.*

These are the Words of the King of Kings, speaking to The Archbishop
Samuel, and teaching him how a Person should be quali- of *Canterbury's*
fied to rule, since the People desired to have a King gi- Speech upon that
ven. And not unfitly may they be said of our Lord the Occasion.
King, whom we behold this Day; and if we but inti-
mately consider these Words, they afford us Matter of great
Consola-

(k) See before, p. 10,

32 The Parliamentary HISTORY

King Henry IV. *Consolation ; for God does not threaten us, as he did formerly his People by Isaiah, saying, Isa. iii. I will make Children to rule over them. But according to his Compassion, who in his Wrath remembreth Mercy, he hath visited his People, and now Children no more, as heretofore, shall lord it over them ; for the Lord saith to them, A MAN SHALL RULE. Of the late Rulers of this Kingdom or any of them, one might have fitly said that of the Apostle, Cor. xiii. I spake as a Child, I understood as a Child, I thought as a Child. The Apostle repeats it thrice, As a Child I spake, I understood and thought. As to Speech, 'tis certain that a Child is unconstant in speaking, he easily speaks true, and as easily false, is ready in Words to promise, but what he promises he presently forgets. Now these are Things very inconvenient and dangerous in a King ; nor is it possible that any Realm shall stand long in Happiness where these Conditions bear Sway. But from such Mischiefs a Kingdom is freed, whose Scepter is swayed by a MAN, for it belongs to a Man to set a watch before his Tongue ; and such is our present Happiness, over whom not a Child, but a Man is set, and such an one, as I hope we may say of him, That in Eccles. ix. Blessed is the Man that hath not erred with his Tongue. Then saith the Apostle, I understood as a Child : Now a Child relishes nothing but Flatteries and pleasing Things, and understands only Bawbles and Trifles, and loves not one that argues according to Truth, yea indeed hates him beyond all Measure. But heretofore amongst us Truth was trampled under foot, so that none durst speak it ; and therefore 'tis plain and apparent enough, that He, that then reign'd understood as a Child. For a Man is not addicted to such Things, but understands Wisdom, so that by the Grace of God it may be said of him, as it is written Eccles. ix. Blessed is the Man that abideth in Wisdom. For as a Child is delighted in Vanity, so a Man has Regard to Truth and Wisdom. Truth therefore shall enter and Vanity depart, which has done so much Mischief in our Nation ; for now a Man shall rule, who seeks after Truth, and not Vanity or Flattery. Thirdly, it is said, I thought as a Child, for a Child thinks and studies only how to have his Humour, and do Things*

Things according to his own Will, and not according to Reason: Therefore when a Child reigns, there only Self-Will reigns, and Reason is banish'd, and Constancy is put to flight, and great Danger ensues; from which Danger we are delivered, for a Man shall rule over us; to wit, one that speaks not like a Child; but thus as one that has the Perfection of Reason.—I come not to do my own Will, but the Will of him that sent me; to wit, of God: And therefore of such a Man we will say not only that he will abide in Wisdom, but also that as a Man, not a Child, he will meditate on the Circumspection of God; that is, he will every way diligently observe that God's Will, not his own, be done; and so in the stead of a Child wantoning in foolish stubborn Humours, a Man shall reign, and such a Man that it shall be said of him—A King shall reign in Wisdom, and he shall execute Judgment, and do Justice in the Earth.

King Henry IV.

Which Harangue being ended, the said Lord King Henry, to appease the Minds of his Subjects, did then and there utter these Words:

Sirs, I thank God and youe Spirituel and Temporal, and all the States of the Lond, and do youe to wyte, it es noght my Will that no Man thynke that be way of Conquest I wold disherit any Man of his Heritage, Franches, or other Ryghts that hym oght to have, no put hym out of that that he has, and has had by the gude Lawes and Customs of the Rewme: Except those Persons that has been agan the gude Purpose and the commune Profit of the Rewme.

Henry's Declaration of Thanks.

And forthwith considering, that by the former Vacancy of the Royal Throne, by the Cession and Deposition aforesaid, all Power of Justices, Sheriffs, and other Officers, throughout the Kingdom was ceased; therefore, to the end that there might be no Failure nor Delay in the Administration of Justice, to the Grievance of the People, he caused principal Officers and Justices to be made and sworn to him with the usual Oaths. And it was immediately proclaimed by the King's Command, that on Monday next, after the

34 *The Parliamentary History*

King Henry IV. ‘ said Feast of St. *Michael*, a Parliament should be held,
 ‘ and celebrated. And that on the *Monday* follow-
 ‘ ing, that is to say on the Feast of St. *Edward*,
 ‘ should be the Coronation of the said King at *West-*
 ‘ *minster*, and that all those that could claim any Ser-
 ‘ vice in the said Coronation should come to the
 ‘ *White-Hall* of the Palace, before the Steward, Con-
 ‘ stable, and Marshal of *England*, on *Saturday* next,
 ‘ before the Day of the said Parliament, to make their
 ‘ just Demands in that behalf, and receive Right there-
 ‘ in. But as for the shortning the Day assigned to the
 ‘ Parliament, there was a *Protestation* made by the
 ‘ *King*, That it was not his Intent that thereby any
 ‘ Prejudice should be brought upon the States of his
 ‘ Kingdom; nor that the same for the future should
 ‘ be drawn into *Example*; But that such Abbreviation
 ‘ of Time was only made for the Benefit and Profit
 ‘ of the Kingdom, and especially to save the Labour
 ‘ and Expences of several of his People, and that the
 ‘ Grievances of the People might be the sooner re-
 ‘ medied.

‘ After which the *King* arising from his Royal Throne,
 ‘ and beholding the People with a cheerful and benign
 ‘ Countenance, retired himself from thence, all the
 ‘ People rejoicing. And the same Day in the *White-*
 ‘ *Hall* aforesaid, made a solemn Feast to the Nobles and
 ‘ Gentry, there in a vast Multitude assembled.

‘ And afterwards, *viz.* on *Wednesday* next following,
 ‘ the before-named *Procurators* so deputed as aforesaid,
 ‘ did, according as they were commanded, repair into
 ‘ the Presence of the said late King *Richard*, being
 ‘ within the *Tower* aforesaid; and the said Sir *William*
 ‘ *Thirnyng* the Justice, for himself and his Companions
 ‘ and Fellow-*Procurators*, in the Name of all the States
 ‘ and People aforesaid, did notify and fully declare unto
 ‘ the said *Richard*, their *Admission* of his said *Renuncia-*
 ‘ *tion*, and the Manner, Cause and Form of such Sen-
 ‘ tence of *Deposition*, and presently did resign and give
 ‘ back to the said late King *Richard*, the *Homage* and
 ‘ *Fealty* formerly to him made as aforesaid. With
 ‘ these Words:

The

The Words which William Thirnyng spake to Monfire King Henry IV. Richard late King of England, at the Tower of London in his Chamber, on Wednesday next after the Feast of St. Michael the Archangel, were as follow (1):

Sire, It is wele know to you, that ther was a Parliament somon'd of all the States of the Reaume for to be at Westmystre, and to begin on the Tuesday in the Morn of the Fest of St. Michel the Archangel, that was yesterday; by cause of the which Summons all the States of this Lond were there gadyr'd, the which States hole made thes same Persones that ben comen here to you now, her Procuratores, and gaven hem full Autozite and Power, and charged hem for to say the Words that we shall say to you in her Name, and on their behalve; that is to wyttten, the Bishop of Seint Asa for Crsbishoppes and Bishoppes, the Abbot of Glastenbury for Abbots and Priours, and all other Men of holy Chirche, Seculers and Rewelers, the Earle of Gloucestre, for Dukes and Erles, the Lord of Berkeley, for Barons and Banerettes, Sir Thomas Ircpyngham Chamberleyn, for all the Bachilers and Commons of this Lond be South; Sir Thomas Grey for all the Bachilers and Commons by North, and my felawe Johan Markham and me for to come with hem for all thes States. And so, Sire, these Words, and the doing that we shall say to you, is not onylych our Wordes but the Woyngs of all the States of this Lond, and our Charge in her Name.

Sir William Thirnyng's Account of the Conversation between King Richard and him, in the Tower.

And he answered and said, That he wyffe wele that we wold noght say but as we were charged.

Sire, ze remembre you wele that on Moneday in the Fest of Seint Michel the Archaungel, ryght here in this Chamber, and in what Presence ze Renounced and Cessed of the State of Kynge and of Lordeship, and of all the Dignite and Myrship that longed thereto, and assoiled all your Leiges of her Ligeance and Obeisance that longed to you uppe the fourme that is contened in the same Renunciation and Cession, which ze redde your self by your Mouth, and asfermed it by your Othe, and by your owne Writing. Upon whi ze made and ordeined your Procuratores the Crsbishop of Zork and the Bishop of Hereford,

C 2

(1) It is remarkable, that this very Sir William Thirnyng was Chief Justice of the King's Bench in the 21st Year of Richard's Reign, and then declar'd, in the Parliament held at Shrewsbury, his Approbation of those Opinions in Law, for which the Judges had been banished ten Years before. — Sed Tempora mutantur. See Vol. I. P. 483.

King Henry IV.

ford, for to notifie and declare in your Name thes Renunciation and Cession at Westmynstre to all the States, and all the People that was there gadyr'd, bycause of the Summons aforesaid, the which thus don yesterday by thes Lords your Procuratours, and wele herde and understouden, thes Renunciation and Cession were plenelich and frelich accepted, and fullich agreed by all the States and People foresaid. And over this, Sire, at the Instance of all thes States and People, there ware certain Articles of Defautes in your Governance redde there, and tho wele herd and pleinelich understouden to all the States foresaid, hem thoght hem so trewe, and so notozie and knowen, That by tho Causes, and by no other, as thei sayd, and habynng Consideration to your own Moordes in your own Renunciation and Cession, that ze were not worthy, no sufficient ne able for to gobezne, for your owne Demerites, as it is more pleinelich con- tened therein; hem thoght that was resonable and cause for to depose you, and her Commissaries that they made and ordein'd, as it is of Record, ther de- clared and decreed and adjudged you for to be deposed, and pryved you of the Astate of King, and of the Lordeship contained in the Renunciation and Cession forsayd, and of all the Dignite and Myrshipp, and of all the Administration that longed thereto. And we Procuratozs to all thes States and People forsayd as we be charged by hem, and by her Autozite gyffen us, and in her Name zelde you uppe for all the States and People forsayd, Homage, Leige, and Feaute, and all Leigeance, and all other Bondes, Charges, and Services that long thereto, and that non of all thes States and People fro thys tyme forward ne bere you Feyth, ne do you Obeisance as to thar King.

And he answered and seyde, that he loked not ther after, but he seyde, that after all this he hoped that is Colyn wolde be gude Lord to hym.

So far the Record.

Sir *John Hayward* tells us, That when the Com- mittee, appointed to receive *Richard's* Resignation, as- sembled at the Tower for that Purpose the Day before this Parliament was to begin, the unhappy Monarch was brought forth, apparell'd in his Royal Robe, the Diadem on his Head, and the Scepter in his Hand; and was plac'd amongst them in a Chair of State. He adds, that

that after a little Pause and Expectation, the King arose King Henry IV. from his Seat, and spake to the Assembly these Words, or the very like in Effect, (m) :

I Assure myself, that some at this present, and many here-
after, will account my Case lamentable ; either that Richard's Speech
to the Commit-
tee appointed to
receive his Re-
signation. I have deserved this Dejection, if it be just ; or if it be
wrongful, that I could not avoid it. Indeed I do confess,
that many Times I have shew'd myself both less provident,
and less painful for the Benefit of the Commonwealth,
than I should, or might, or intended to do hereafter ; and
have in many Actions more respected the satisfying of my
own particular Humour, than either Justice to some pri-
vate Persons, or the common Good of all ; yet I did not at
any Time either omit Duty or commit Grievance, upon
natural Dulness, or set Malice ; but partly by Abuse of
corrupt Counsellors, partly by Error of my youthful Judg-
ment. And now the Remembrance of these Oversights,
is so unpleasant to no Man as to myself ; and the rather be-
cause I have no Means left, either to recompence the Inju-
ries which I have done, or to testify to the World my refor-
med Affections, which Experience and Stayedness of Years
had already corrected, and would daily have framed to more
Perfection. But whether all the Imputations wherewith
I am charged be true, either in Substance, or in such Qua-
lity as they are laid, or whether being true, they be so hei-
nous, as to enforce these Extremities ; or whether any
other Prince, especially in the Heat of Youth, and in the
Space of two and twenty Years, the Time of my unfortu-
nate Reign, doth not sometimes, either for Advantage, or
upon Displeasure, in as deep Manner grieve some particu-
lar Subject, I will not now examine : It helpeth not to use
Defence, neither booteth it to make Complaint ; there is
no Place left for the one nor Pity for the other : And
therefore I refer it to the Judgment of God, and your less
displeas'd Considerations.

I accuse no Man, I blame no Fortune, I complain of
nothing ; I have no Pleasure in such vain and needless Com-
forts, and if I listed to have stood upon Terms, I know I
have great Favourers Abroad ; and some Friends, I hope,
at Home, who would have been ready, yea forward on my
Behalf, to set up a bloody and doubtful War : But I esteem

C 3

not

38 *The Parliamentary History*

King Henry IV. *not my Dignity at so high a Price, as the Hazard of so great Valour, the Spilling of so much English Blood, and the Spoil and Waste of so flourishing a Realm, as thereby might have been occasioned. Therefore that the Commonwealth may rather rise by my Fall, than I stand by the Ruin thereof, I willingly yield to your Desires; and am here come to dispossess myself of all publick Authority and Title, and to make it free and lawful for you to create for your King, Henry Duke of Lancaster, my Cousin German, whom I know to be as worthy to take that Place, as I see you willing to give it to him.*

King Henry
crown'd.

There was no farther Business done the first Day, but the reading of the above Record, before the Parliament; and the *Monday* following, being the Feast of *St Edward*, King and Confessor, was appointed for *Henry's* Coronation, which was performed, at *Westminster*, with the usual Ceremonies.

Sir John Dare-
wood chosen
Speaker on the
Sickness of Sir
John Cheney.

The next Day the Parliament met again, when the Commons presented to the King Sir *John Cheney*, for their Speaker, whom the King accepted, and he made the usual Protestation, which was also, allowed. But the Day following the said Sir *John*, with the Commons, came again before the King, and declared, that by reason of a sudden Disorder he was unable to serve, and that they had chose Sir *John Darewood* in his Place; beseeching the King to allow the said Sir *John Darewood* to be Speaker for the Commons. Which said Knight, having made the usual Protestation, was allowed as before.

A Subsidy
granted.

Then the Commons, with the Assent of the Bishops and Lords, and in order to provide for the Wars against *Scotland*, Defence of *Calais* and *Ireland*, and the Amendment of the State; also, in Hopes that their Requests should be granted, gave to the King for three Years the Subsidy on Wools, Skins, and Wool-fells; that is Fifty Shillings on every Sack from Denizens, and four Pounds from Aliens; also one *Tenth* and one *Fifteenth*.

Act of Indem-
nity for King
Henry's Adhe-
rents.

The next Thing this Parliament went upon was to pass an Act of *Indemnity* to screen those who, during the late Troubles, had taken up Arms in Favour of the
King,

King, then Duke of *Lancaster*; likewise to pass an Act for the repealing the whole Proceedings of the Parliament at *Shrewsbury*, 21. *Richard II.* and to confirm that Parliament which was held the 11th of the said King, except the Effect of the Pardon granted by the said Statute, of the 21st of *Richard II.* which they ordained should stand, notwithstanding the rest of it was repealed (m). Also it was enacted, That nothing, for the future, should be esteemed or adjudged to be Treason, but what was ordained to be so by the 25th of *Edward III.* and that all Blank Charters, whatsoever, which the City of *London*, and Seventeen Counties besides, had been forced to seal and give to King *Richard*, should be utterly void.

The Archbishop of *Canterbury* moved the House for their Consent to address the King, that he would please to create *Henry*, his eldest Son, Prince of *Wales*, Duke of *Cornwall* and Earl of *Chester*. Upon which the King, sitting in his Royal Seat, in full Parliament, put a Coronet on the Head of the said *Henry*, his eldest Son, a Ring of Gold on his Finger, and gave him a Golden Rod in his Hand, and kissed him; also, by a Charter then given him, he was created Prince of *Wales* (n), &c. His Uncle, the Duke of *York*, put the Robes on the young Prince, and afterwards brought him to the Seat assigned, for that Principality, in Parliament. It was, also, then enacted by all the Estates, that the said Prince should succeed his Father in the Realm of *England*; and they all promised to accept and obey him accordingly (o).

The next Day, being *Thursday*, the Archbishop of *Canterbury* moved, in the Upper House, that the Lords should in no wise disclose any Thing that should then be put to them; which being promised by all, the Earl of *Northumberland* put this important Question to the House, *What they would advise was fit to be done with*

(m) Statutes at Large, Anno 1. & 2. Hen. IV. *Walsingham*, p. 361.

(n) This Charter is extant in *Rymer's Fœd. Angliæ*, Tom. VIII. p. 91. It is only for the Dutchy of *Cornwall*, wherein all the Lands, Hereditaments, &c. belonging to it, are expressed. The next Instrument is for the Principality of *Wales*.

(o) The Prince was just then twelve Years old, *Hollingshead's Chron.* P. 511.

King Henry IV. *with Richard the late King, in order to his Keeping in safe Custody ; for the King would have his Life sav'd?*

Motion as to the Disposal of the late King's Person.

To which all the Lords, whose Names are here under-written, being severally examined, answered, ' That it seemed adviseable to them, that he should be put under a safe and secret Guard, and in such a Place where no Concourse of People might resort to him ; and that he be guarded by trusty and sufficient Persons, and that no Person who had been familiar with him, should be about his Person, and that it should be done in the most secret Manner, that can be devised.'

The Names of the Lords, who being asked, Assented to the Question, are these following (p) ;

The Peers present at that Question.

The Archbishop of Canterbury.

Archbishop of York.

Bishop of London.

Bishop of Ely

Bishop of Lincoln.

Bishop of Norwich.

Bishop of Rochester.

Bishop of Salisbury.

Bishop of Exeter.

Bishop of Chichester.

Bishop of St Asaph.

Bishop of Chester.

Bishop of St David's.

Bishop of Landaff.

Bishop of Durham.

Abbot of Westminster.

Abbot of St Albans.

Abbot of St Austin.

Abbot of Bury.

Abbot of St Mary's, York.

Abbot of Gloucester.

Abbot of Battel.

The Prince.

Duke of York.

Earl of Arundel.

Earl of Warwick.

Earl of Stafford.

Earl of Northumberland.

Earl of Suffolk.

Earl of Worcester.

Lord Ross.

Lord Grey of Ruthin.

Lord Charleton.

Lord Bardolfe.

Lord Willoughby.

Lord Furnival.

Lord Ferrers.

Lord Beaumont.

Lord Berkeley.

Lord Fitz-Walters.

Lord Mauley.

Lord Scales.

Lord Morley.

Lord Burnel.

Lord Lovel.

Lord

(p) Sir Robert Cotton only mentions, that the Names of such Bishops, Lords, and Knights, as assented to the Imprisonment of King Richard, next follow on the Record ; but we have supplied that Defect from a Manuscript. The Reader may observe, upon comparing this with the foregoing List, that most of the Lords who compos'd the last Ministry, were absent on this Occasion. See before, p. 4.

Lord Camois.

Lord Seymor.

Lord Cromwel.

Lord Cobham.

Sir Henry Piercy.

Sir Robert Scrope.

Lord Fitz-Hugh.

Lord de Bergavenny.

Lord Lumley.

Baron of Greystock.

Baron of Hilton.

Sir Thomas Erpingham,

Chamberlain.

Sir Matthew Gowin.

King Henry IV.

It is observable, that the Bishop of *Carlisle* is not in this List, and, indeed there is great Reason for it; he being the only Man, either in the Prelacy or Laity, that had the Courage to oppose this Usurpation at that Time. Sir *John Hayward* (q) has given us a Speech made by this Bishop, on the Occasion, when the last Question was put in the House of Lords. We shall not contest the Genuineness of it; so much is certain, that this honest Man suffered greatly for his Loyalty to the deposed Prince; being deprived of his Dignity, put under a long Imprisonment, and, had it not been for his Order which was then held too sacred, must have died the Death of a Traitor. If it be objected, that it was now too late to make Speeches, when the new King was actually crown'd, the aforesaid Author has in some Measure accounted for that, in remarking, 'That this Prelate was a Man both learned and wise, and always used both Liberty and Constancy in a good Cause; that in his secret Judgment he never gave Allowance to these Proceedings, yet he dissimulated his Dislike until he might, to some Purpose, declare it; therefore, now, adds he, being in a Place to be heard of all, and, by Order of the House to be interrupted by none, he rose up with a bold and resolute Spirit, and uttered his Mind as followeth (r).

THIS

(q) *Life of King Henry IV. Lond. 1630. P. 101.*

(r) The Name of this Bishop of *Carlisle* was *Thomas Merks*, alias, of *Newmarket*, alias *Sumestre*. He had been consecrated *An. 1397*, was deprived in *1399*, but lived several Years after.

LE NEVE'S *Fasti Ecclesiæ Anglicanæ*, P. 334.

Walsingham says, He was made by the Pope Titular Bishop of *Samos*. Sir *Walter Raleigh* writes, that he was the only honest Man in this Parliament, who scorned his Life and Fortune, in Respect to his Sovereign's Right and his own Allegiance. *Prerogative of Parliaments*, P. 85.

This Bishop attended *Richard* in his Expedition to *Ireland*. See Vol. I. p. 500.

Rapin

King Henry IV.

Bishop of Carlisle's Speech against it.

' **T**HIS Question, *Right honourable Lords*, concern-
 ' eth a Matter of great Consequence and Weight;
 ' the Determining whereof will assuredly procure, ei-
 ' ther safe Quiet, or dangerous Disturbance, both to
 ' our particular Consciences, and also to the common
 ' State. Therefore, before you resolve upon it, I pray
 ' you call to your Consideration these two Things;
 ' first, whether King *Richard* be sufficiently deposed or
 ' no; secondly, whether King *Henry* be with good
 ' Judgment or Justice chosen in his Place. For the first
 ' Point we are first to examine, whether a King, be-
 ' ing lawfully and fully instituted by any just Title,
 ' may upon Imputation either of Negligence, or of
 ' Tyranny, be deposed by his Subjects: Secondly,
 ' what King *Richard* hath omitted in the one, or com-
 ' mitted in the other, for which he should deserve so
 ' heavy Judgment. I will not speak what may be
 ' done in a Popular State, or in a Consular; in which
 ' although one beareth the Name and Honour of a
 ' Prince, yet he hath not supreme Power of Majesty;
 ' but in the one, the People have the highest Empire;
 ' in the other, the Nobility and chief Men of Estate;
 ' in neither, the Prince. Of the first Sort was the
 ' Commonwealth of the *Lacedemonians*, who after the
 ' Form of Government which *Lycurgus* framed, often-
 ' times fined, oftentimes fetter'd their Kings, and
 ' sometimes condemned them to Death; such were
 ' also in *Cæsar's* Time, the petty Kings of every City
 ' in *France*, who were many Times arraigned upon
 ' Life and Death, and, as *Ambiorix*, Prince of the
 ' *Leodienses*, confess'd, had no greater Power over the
 ' People, than the People had over them. Of the se-
 ' cond Condition were the *Roman* Emperors at the first;
 ' of whom some, namely, *Nero* and *Maximianus*
 ' were openly condemn'd; others were suddenly sur-
 ' priz'd by Judgment, and Authority of the Senate;
 ' and such are now the Emperors of *Germany*, whom
 the

Rapin, upon introducing an Abstract of this Speech, says, that the Com-
 mons, not satisfied with the bare Deposing of King *Richard*, would have
 had him tried, in Form, and petitioned the King for that Purpose: His
 Marginal Note on this refers to *Cotton's Abridgment* for his Authority;
 whereas there is not one Word of this Petition mentioned in the *Abrid-*
ger's Account of this Parliament.

RAPIN Fol. Edit. p. 486.

the other Princes, by their Aristocratical Power, do not only restrain, but sometimes also remove from their Imperial State ; such are also the Kings of *Denmark* and *Swedeland*, who are many Times by the Nobility dejected, either into Prison, or into Exile ; such likewise are the Dukes of *Venice*, and of some other Free States in *Italy* ; and the chiefest Cause for which *Lewis* Earl of *Flanders* was lately expell'd from his Place, was for drawing to himself Cognizance in Matters of Life and Death, which high Power never pertained to his Dignity.

King Henry IV.

In these and such like Governments, the Prince hath not regal Rights, but is himself subject to that Power which is greater than his ; whether it be in the Nobility or the Common People. But if the Sovereign Majesty be in the Prince, as it was in the three first Empires, and in the Kingdom of *Judea*, and *Israel* ; and is now in the Kingdoms of *England*, *France*, *Spain*, *Scotland*, *Muscovy*, *Turkey*, *Tartary*, *Persia*, *Ethiopia*, and almost all the Kingdoms of *Asia* and *Africa* ; although for his Vices he be unprofitable to the Subject, yea hurtful, yea intolerable ; yet can they lawfully neither harm his Person, nor hazard his Power, whether by Judgment, or else by Force. For neither one, nor all Magistrates, have any Authority over the Prince, from whom all Authority is deriv'd, and whose only Presence doth silence and suspend all inferior Jurisdiction and Power. As for Force, what Subject can attempt, or assist, or counsel, or conceal Violence against his Prince, and not incur the high and heinous Crime of Treason.

It is a common Saying, Thought is free ; free indeed from Punishment of secular Laws, except by Word or Deed it break forth into Action ; yet the secret Thoughts against the sacred Majesty of a Prince, without Attempt, without Endeavour, have been adjudged worthy of Death ; and some who in Auricular Confession, have discover'd their treacherous Devices against the Person of their Prince, have afterwards been executed for the same. All Laws do exempt a Madman from Punishment, because their

Actions

King Henry IV.

' Actions are not governed by their Will and Purpose ;
 ' and the Will of Man being set aside, all his Doings
 ' are indifferent, neither can the Body offend without a
 ' corrupt or erroneous Mind : Yet if a Madman draw
 ' his Sword upon his King, it hath been adjudged to
 ' deserve Death. And least any Man should surmise
 ' that Princes, for the Maintenance of their own Safe-
 ' ty and Sovereignty, are the only Authors of these
 ' Judgments, let us a little consider the Patterns and
 ' Precepts of Holy Scripture. *Nebuchadnezzar*, King
 ' of *Assyria*, wasted all *Palestine* with Fire and Sword ;
 ' besieg'd *Jerusalem* a long Time ; and at the last
 ' took it ; slew the King ; burnt the Temple ;
 ' took away the Holy Vessels and Treasure ; the rest
 ' he permitted to the Cruelty and Spoil of his unmerci-
 ' ful Soldiers, who defiled all Places with Rape and
 ' Slaughter, and ruined to the Ground that flourish-
 ' ing City : After the Glut of this bloody Butchery,
 ' the People that remain'd he led captive into *Chaldea* ;
 ' there he erected his Golden Image, and commanded
 ' that they which refused to worship it, should be cast
 ' into a fiery Furnace.

' What Cruelty, what Injustice, what Impiety
 ' is comparable to this ? And yet God calleth *Nebu-*
 ' *chadnezzar* his Servant, and promiseth Hire and Wa-
 ' ges for his Service : And the Prophets *Jeremiah* and
 ' *Baruch* did write to the Jews to pray for the Life of
 ' him, and of *Baltazar* his Son, that their Days might
 ' be upon Earth as the Days of Heaven : And *Ezekiel*
 ' with bitter Terms abhorreth the Disloyalty of *Zede-*
 ' *chiah*, because he revolted from *Nebuchadnezzar*,
 ' whose Homager and Tributary he was. What shall
 ' we say of *Saul* ? Did he not put all the Priests to Ex-
 ' ecution, because one of them did relieve holy and
 ' harmless *David* ? Did he not violently persecute that
 ' his most faithful Servant and dutiful Son in Law, du-
 ' ring which Pursuit, he fell twice into the Power of
 ' *David* ; who did not only spare, but also protect the
 ' King ; reprov'd the Pretorian Soldiers for their neg-
 ' ligent Watch ; and was touch'd in Heart for cutting
 ' away the Lap of his Garment ; and afterwards caus-
 ' ed the Messenger to be slain, who upon Request, and
 for

' for Pity, had lent his Hand (as he said) to help for-
 ' ward the voluntary Death of that sacred King? As King Henry IV.
 ' for the contrary Examples, as that of *Jehu* who slew
 ' *Jehoram* and *Ahaziah*, Kings of *Israel* and *Judah*;
 ' they were done by expresse Oracle and Revelation
 ' from God, and are no more set down for our Imita-
 ' tion, than the robbing of the *Egyptians*, or any other
 ' particular and priviledg'd Commandment; but in the
 ' general Precept, which all Men must ordinarily fol-
 ' low, not only our Actions, but our Speeches also,
 ' and our very Thoughts are strictly charged with Duty
 ' and Obedience unto Princes, whether they be good or
 ' evil. The Law of God ordaineth, *That he which doth*
 ' *presumptuously against the Ruler of the People shall dye*;
 ' and the Prophet *David* forbiddeth to touch the Lords
 ' anointed; *Thou shalt not rail upon the Judges, nei-*
 ' *ther speak Evil against the Ruler of the People.* And
 ' the Apostles do demand further, that even our
 ' Thoughts and Souls be obedient to higher Powers;
 ' and least any should imagine that they meant of good
 ' Princes only, they speak generally of all; and further
 ' to take away all Doubt, they make expresse Mention of
 ' the Evil. For the Power and Authority of wicked
 ' Princes is the Ordinance of God; and therefore
 ' Christ told *Pilate*, that the Power which he had was
 ' given him from above; and the Prophet *Esay* calleth
 ' *Cyrus*, being a prophane and heathen Prince, the
 ' Lord's Anointed. For God stirred up the Spirit
 ' even of wicked Princes to do his Will; and as *Jeho-*
 ' *saphat* said to his Rulers, they execute not the Judg-
 ' ment of Man, but of the Lord: In regard hereof,
 ' *David* calleth them Gods; because they have their
 ' Rule and Authority immediately from God; which
 ' if they abuse, they are not to be adjudged by their
 ' Subjects, for no Power within their Dominion is su-
 ' perior to theirs; but God reserveth them to the forest
 ' Trial: *Horribly and suddainly, saith the Wiseman,*
 ' *will the Lord appear unto them, and a hard Judgment*
 ' *shall they have.*

' The Law of God commandeth, that the Child
 ' shall be put to Death, for any Contumely done
 ' unto the Parents; but what if the Father be a Rob-
 ' ber?

King Henry IV.

' ber ? If a Murtherer ? If for all Excess of Villanies,
 ' odious and execrable both to God and Man ? Surely
 ' he deserveth the highest Degree of Punishments, and
 ' yet must not the Son lift up his Hand against him,
 ' for no Offence is so great as to be punish'd by Parri-
 ' cide : But our Country is dearer unto us than our
 ' Parents ; and the Prince is *Pater Patriæ*, the Father
 ' of our Country ; and therefore more sacred and dear
 ' unto us than our Parents by Nature, and must not
 ' be violated, how imperious, how impious soever he
 ' be : Doth he command or demand, our Persons or
 ' our Purfes, we must not shun for the one, nor shrink
 ' for the other ; for, as *Nehemiah* saith, *Kings have Do-*
 ' *minion over the Bodies and over the Cattle of their Sub-*
 ' *jects, at their Pleasure.* Doth he enjoin those Acti-
 ' ons which are contrary to the Laws of God ? We
 ' must neither wholly obey nor violently resist, but
 ' with a constant Courage submit ourselves to all Man-
 ' ner of Punishment, and shew our Subjection by en-
 ' during, and not performing ; yea the Church hath
 ' declared it to be an Heresy, to hold that a Prince
 ' may be slain or deposed by his Subjects, for any Dis-
 ' order or Default, either in Life, or else in Govern-
 ' ment. There will be Faults so long as there are
 ' Men ; and as we endure with Patience a barren
 ' Year if it happen, and unseasonable Weather, and
 ' such other Defects of Nature, so must we tolerate the
 ' Imperfections of Rulers ; and quietly expect, either
 ' a Reformation, or else a Change.

' But alas, good King *Richard*, why such Cruelty ?
 ' What such Impiety hath he ever committed ? Exa-
 ' mine rightly those Imputations which are laid against
 ' him, without any false Circumstance of Aggrava-
 ' tion, and you shall find nothing objected, either of
 ' any Truth, or of great Moment. It may be, that
 ' many Errors and Oversights have escaped him, yet
 ' none so grievous to be termed Tyranny ; as proceed-
 ' ing rather from unexperienced Ignorance, or corrupt
 ' Council, than from any natural or wilful Malice.
 ' Oh, how shall the World be pestered with Tyrants,
 ' if Subjects may rebel upon every Pretence of Ty-
 ' ranny ? How many good Princes shall daily be
 ' suppressed

‘ suppressed by those, by whom they ought to be sup- King Henry IV.
 ‘ ported? If they levy a Subsidy, or any other Taxa-
 ‘ tion, it shall be claimed Oppression: If they put
 ‘ any to Death for Traiterous Attempts against their
 ‘ Persons, it shall be exclaimed Cruelty: If they do
 ‘ any Thing against the Lust and Liking of the People,
 ‘ it shall be proclaimed Tyranny.

‘ But let it be, that without Authority in us, or
 ‘ Desert in him, King *Richard* must be deposed: Yet
 ‘ what Right had the Duke of *Lancaster* to the
 ‘ Crown? Or what Reason have we without his
 ‘ Right to give it to him? If he make Title as Heir
 ‘ unto King *Richard*, then must he yet stay until King
 ‘ *Richard*’s Death: For no Man can succeed as Heir
 ‘ to one that liveth. But it is well known to all Men,
 ‘ who are not either wilfully blind or grossly ignorant,
 ‘ that there are some now alive, lineally descended
 ‘ from *Lionel* Duke of *Clarence*, whose Offspring was
 ‘ by Judgment of the High Court of Parliament holden
 ‘ the ninth Year of the Reign of King *Richard*, declar-
 ‘ ed next Successor to the Crown, in case King *Ri-*
 ‘ *chard* should die without Issue(*t*). Concerning the Title
 ‘ from *Edmund Crouchback*, I will pass it over; seeing
 ‘ the Authors thereof are become ashamed of so absurd
 ‘ Abuse, both of their own Knowledge, and our Cre-
 ‘ dulity; and therefore all the Claim is now made, by
 ‘ Right of Conquest; by the Cession and Grant of
 ‘ King *Richard*; and by the general Consent of all
 ‘ the People. It is a bad Wooll that will take no Co-
 ‘ lour: But what Conquest can a Subject pretend a-
 ‘ gainst his Sovereign, where the War is Insurrection,
 ‘ and the Victory high and heinous Treason? As for
 ‘ the Resignation which King *Richard* made, being a
 ‘ pent Prisoner for the same Cause, it is an Act extort-
 ‘ ed by Force; and therefore of no Validity to bind
 ‘ him: And seeing that by the Laws of this Land,
 ‘ the King alone cannot alienate the ancient Jewels
 ‘ and Ornaments pertaining to the Crown, surely he
 ‘ cannot give away the Crown it self, and therewithal
 ‘ the Kingdom.

‘ Neither have we any Custom, that the People at
 ‘ Pleasure

(*t*) See Vol. I, p. 387. and in this Volume, p. 2.

King Henry IV.

' Pleasure should elect their King ; but they are al-
 ' ways bound unto him, who by Right of Blood is
 ' right Successor ; much less can they confirm and
 ' make good that Title, which is before by Violence
 ' usurped ; for nothing can then be freely done, when
 ' Liberty is once restrained by Fear. So did *Scylla*, by
 ' Terror of his Legions, obtain the Law *Velleia* to
 ' be made, whereby he was created Dictator for Four-
 ' score Years : And by like Impression of Fear, *Cæsar*
 ' caused the Law *Servia* to be promulged, by which
 ' he was made perpetual Dictator : But both these
 ' Laws were afterwards adjudged void. As for the
 ' Deposing of King *Edward* the Second it is no more
 ' to be urged, than the Poisoning of King *John*, or
 ' the Murdering of any other good and lawful Prince :
 ' We must live according to Laws, and not to Ex-
 ' amples : And yet the Kingdom was not then taken
 ' from the lawful Successor. But if we look back to
 ' Times lately past, we shall find that these Titles
 ' were more strong in King *Stephen*, than they are in
 ' the Duke of *Lancaster*. For King *Henry* the first
 ' being at large Liberty, neither restrained in Body, nor
 ' constrained in Mind, had appointed him to succeed ;
 ' as it was upon good Credit, certainly affirmed. The
 ' People assented to this Designment ; and thereupon
 ' without Fear, and without Force, he was anointed
 ' King, and obtained full Possession of the Realm (u).
 ' Yet *Henry*, Son of the Earl of *Anjou*, having a nearer
 ' Right by his Mother to the Crown, notwithstanding
 ' his Father was a Stranger, and himself born beyond
 ' the Seas, raised such rough Wars upon King *Stephen*,
 ' that there was no end of spoiling the Goods, and
 ' spilling the Blood of the unhappy People, besides the
 ' Ruins and Deformities of many Cities and Holds ;
 ' until his lawful Inheritance was to him assured. It
 ' terrifieth me to remember how many flourishing Em-
 ' pires and Kingdoms have been, by means of such
 ' Contentions, either torn in pieces with intestine Di-
 ' vision, or subdued to foreign Princes, under pretence
 ' of Assistance and Aid ; and I need not repeat how
 ' this Realm hath heretofore been shaken with these
 ' several Mischiefs. And yet neither the Examples
 ' of

(u) See Vol. I. P. 12.

‘ of other Countries, nor the Miseries of our own, King Henry IV.
 ‘ are sufficient to make us to beware.

‘ O *Englishmen*, worse bewitched than the foolish
 ‘ *Galatians*! Our unstaied Minds and restless Resolutions
 ‘ do nothing else but hunt after our own Harms: No
 ‘ People have more Hatred abroad, and none less Quiet
 ‘ at home: In other Countries the Sword of Invasion
 ‘ hath been shaken against us: In our own Land, the
 ‘ Fire of Insurrection hath been kindled among us:
 ‘ And what are these Innovations, but Whetstones
 ‘ to sharpen the one and Bellows to blow up the
 ‘ other?

‘ Certainly I fear that the same will happen unto us
 ‘ which *Æsop* fableth to have been fallen unto the
 ‘ Frogs, who being desirous to have a King, a Beam
 ‘ was given unto them; the first Fall whereof did
 ‘ put them in some fear, but when they saw it lie still
 ‘ in the Stream, they insulted thereon with great Con-
 ‘ tempt, and desired a King of quicker Courage: Then
 ‘ was sent unto them a Stork, which stalking among
 ‘ them with stately Steps, continually devoured them.
 ‘ The Mildness of King *Richard* hath bred in us this
 ‘ Scorn, interpreting it to be Cowardice and Dulness of
 ‘ Nature: The next Heir is also rejected: I will not say
 ‘ that with greater Courage we shall find greater Cruelty;
 ‘ but if either of these shall hereafter be able to set up
 ‘ their Side, and bring the Matter to Trial by Arms, I
 ‘ do assuredly say, that which Part soever shall carry
 ‘ the Fortune of the Field, the People both ways must
 ‘ go to wreck. And thus have I declared my Mind
 ‘ concerning this Question, in more Words than your
 ‘ Wisdom, yet fewer than the Weight of the Cause,
 ‘ doth require; and do boldly conclude, that we have
 ‘ neither Power nor Policy, either to depose King
 ‘ *Richard*, or to elect Duke *Henry* in his place; that
 ‘ King *Richard* remaineth still our Sovereign Prince,
 ‘ and therefore it is not lawful for us to give Judgment
 ‘ upon him; that the Duke, whom you call King,
 ‘ hath more offended against the King and the Realm,
 ‘ than the King hath done, either against him or us:
 ‘ For being banished the Realm for ten Years by the
 ‘ King and his Council, amongst whom his own Fa-

King Henry IV. ‘ther was Chief (a); and sworn not to return again
 ‘ without special Licence; he hath not only violated
 ‘ his Oath, but with impious Arms disturbed the Quiet
 ‘ of the Land, and dispossessed the King from his
 ‘ Royal Estate; and now demandeth Judgment against
 ‘ his Person, without Offence proved, or Defence heard.
 ‘ If this Injury and this Perjury doth nothing move us,
 ‘ yet let both our private and common Dangers some-
 ‘ what withdraw us from these violent Proceedings (b).’

For which he is
 charged with
 High Treason.

This Speech, says the Historian from whom we now quote, was differently taken, as Men were then differently affected, between Fear, Hope, and Shame; yet, the major Part, by far, shewed themselves in the Interest of their new King *Henry*; and the Orator was instantly attach’d of High Treason, by the Earl *Marshall*, and sent Prisoner to the Abbey of Saint *Albans*. Whose Council, adds he, then contemned, was afterwards better thought upon; partly in the Life-time of this King *Henry*, during whose Reign scarce a Year passed without much Slaughter and Execution; but more especially in the Reigns succeeding. For, within the Space of thirty-six Years, twelve set Battles were fought in this Realm, and on this Quarrel, by *Englishmen* only; and more than fourscore Princes of the Blood Royal of *England*, slain by each others Swords (c).

But, it cannot be amiss to quote one whole Paragraph from M. *Rapin’s History*, containing his Reflections

(a) See before in Vol. I. p. 492.

(b) Our immortal *Shakespear*, in his historical Play of King *Richard II.* has given us the Substance of this Speech, made by the Bishop of *Carlisle*, in his elegant Manner. *THEOBALD’S First Edit.* P. 316.

The same great Poet, at the Conclusion of this Play, when the said Bishop was brought before *Henry* to receive his Sentence for being concerned in an Infurrection against him, makes the King speak thus:

King. “*Carlisle*, this is thy Doom.
 “ Chuse out some secret Place, some reverend Room
 “ More than thou hast, and with it joy thy Life;
 “ So, as thou livest in Peace, die free from Strife.
 “ For though mine Enemy thou hast ever been,
 “ High Sparks of Honour in thee I have seen.”

Ibid. P. 340.

(c) Sir *John Hayward*, P. 110. By which Slaughter all the Heirs Male of both Lines, were destroyed. *Hollingshead*, P. 511.

tions on the Conduct of this Parliament, in the Sentence of King *Richard*'s perpetual Imprisonment ; and, what is agreed by most Historians, tho' it is not in the Abridgement of the Records, that there was made to it this terrible Addition, *That if, at any time, any Insurrection should be made in his Favour, he should be the first that should suffer Death for it* (d). Because, we think that here our Foreigner shews his Partiality on the Side of Monarchy ; and seems to own, that Parliaments are capable of acting as unjustly as the most absolute Kings ; a Circumstance few will believe that have not well noted this Passage ; and therefore we shall give it in his Translator *Tindal*'s own Words (e) :

King Henry IV.

' It is not my business to determine, how far the Authority of the Parliament may be extended, with respect to the King's Person. I shall only observe, that this is the second Instance of the Deposing of a King of *England*, without hearing his Defence, or so much as observing the usual Formalities prescribed by the Law, in the Trial of the meanest Subject. The Parliament which deposed *Edward II.* was satisfied with decreeing, that he should be kept in safe Custody during Life. But this Parliament, to *Richard*'s Deposing, adds the Sentence of Death : For no otherwise can the Condition be considered, upon which his Life is granted. Let us farther remark, that one of the chief Articles of Accusation against this Prince, was his putting to Death the Duke of *Glocester* his Uncle, without a previous Trial. And this same Parliament condemns him unheard, upon his bare Confession, when a Prisoner ; not, that he is guilty of the particular Crimes laid to his Charge, but that he is in his own Opinion unworthy to wear the Crown. They are not content with stripping him of his Royalty, but order him to be imprisoned for Life. What do I say ? They really condemn him to die, since in seeming to grant him his Life, they add a Condition, which probably must soon make him lose it. If in perusing the Reign of *Richard II.* one can't help detesting the Principles of the *Shrewsbury*

Mr Rapin's Remarks on the Sentence against King Richard.

D 2

' bury

(d) *Hall's Chron.* Fol. X. and *Grafton* P. 408.

(e) *Rapin*, Vol. 1. P. 487.

King Henry IV.

‘bury Parliament, which tended to subject the Lives,
 ‘Honours and Fortunes of the Nation to the King’s
 ‘Will, what ought we to think of this? By a con-
 ‘trary Excess, they put the Life and Honour of the
 ‘King himself in the power of his Subjects, and re-
 ‘fuse the Sovereign a Privilege, which every *English*
 ‘Subject has a right to demand. The Examples these
 ‘two Parliaments afford, are a clear Evidence that the
 ‘*English* Constitution can never pretend to that Degree
 ‘of Perfection, boasted by some, till the Bounds to be
 ‘prescribed to the Prerogative Royal, and the Privileges
 ‘of Parliament, are precisely determined.’

Farther Proceed-
ings of this Par-
liament.

To proceed with the Business transacted in this Par-
 liament: The Commons appeared again with their
 Speaker, and declared to the King, that the Duke of
Britainy, had sent word that he was ready to do all
 which the King would desire him, and therefore prayed
 that the Earldom of *Richmond*, being his own Inheri-
 tance, might not be granted away by any Letters Pa-
 tents, which Petition was made a Request from the
 Commons.

The Duke of *York*, the Earl of *Northumberland*, and
 others of Kindred to the Archbishop of *Canterbury*,
 pray’d the King that the said Archbishop might have his
 Recovery against *Roger Walden*, who had been made
 Archbishop of *Canterbury* during the others Exile, for
 fundry Wastes and Spoils, done by the said *Roger* in
 the Archbishoprick aforesaid, which the King instantly
 granted, and thanked them for their Motion. But the
 Commons, upon hearing of this Award, prayed the
 King that, since they were not made privy to the
 Judgment aforesaid, no Record might be made to
 charge or make them Parties therein. To which the
 Archbishop of *Canterbury*, by the King’s Command
 answered, ‘That the Commons were only Petitioners,
 ‘and that all Judgments belong to the King and
 ‘Lords; unless it was in Statutes, Grants of Subsidies
 ‘or such like;’ which Ordinance the King willed
 should be from that time observed.

The two Northern Earls, *Northumberland* and
Westmoreland, requested the King that he would purge
 them from a Reproach cast on them, ‘That they had
 ‘advised

‘advised the King to make War on *Scotland*.’ The King Henry IV. King took it upon himself, and caused the Earl of *Northumberland* to ask every Lord there, separately, his Opinion relating to the said War, who all encouraged the King to undertake it.

To the King’s eldest Son, besides the Titles and Principalities already conferred this Parliament, were added the Dukedoms of *Lancaster* and *Aquitain*; to the former of which were given all such Liberties and Franchises, as were heretofore granted to the Duke of the said Dutchy; and that they should remain to his eldest Son, and to his Heirs, Dukes of *Lancaster*, dissever’d from the Crown of *England*; and thereupon the King delivered a Charter thereof, made in Parliament, to *Henry* his eldest Son.

The King enacted, by the Assent of the Lords, that a certain new People, disguis’d in white Garments, coming from beyond Sea, and pretending great Sanctity, should in no wise be suffer’d to tarry or harbour within the Realm.

Next follow several private Affairs too tedious to mention; except, that on the Petition of Sir *Thomas Haxey*, Clerk, the King pardon’d and revok’d the Judgment made against him in the 20th Year of King *Richard*’s Reign, and restor’d him to Blood, and the Recovery of all his Goods, Livings, Lands and Tenements (g).

Sir *William Rickhill*, one of the Judges to the late King, but now a Prisoner, was brought before the Parliament, and required to answer by what Warrant he took and certified the Confession of the late Duke of *Gloucester*, in the 21st Year of *Richard* II. (h); and by Order of the King, Sir *Walter Clopton*, Chief Justice, was put to examine him. But *Rickhill*, answering at full, and producing sufficient Authority for what he had done, and his sincere Dealing therein, the Lords unanimously declared that they thought he had acted justly; and upon this the Chief Justice adjudged the said Sir *William* acquitted thereof for ever.

The Petitions of the Commons, and the King’s Answers.

Petition. That the Liberties of the Church, the Petitions of the Commons.

D 3

Great

(g) He was then a Member of Parliament and was sentenced to Death, for bringing in a Bill to regulate the King’s Household, *Anno* 20, Ric. II See Vol. 1. p. 458.

(h) Vol. 1. p. 475.

King Henry IV. Great Charter, and Charter of the Forests, be confirm'd.

Answer. The King willeth the same (i).

Pet. That the Lords Spiritual, Temporal, and the Judges, do not from henceforth plead, in Excuse, that they durst not for Fear of Death to speak the Truth.

Answer. The King reputeth them all to be just, and that they will not give him Council to the contrary ; but if they do, let Complaint be made.

Pet. That all the King's chief Officers be sworn to shun all Bribery, and such as are attainted thereof to lose all they have.

Answer. Every such Officer, upon Attaint, shall be punished for his Mifdoing ; otherwise the Statutes already made may suffice.

Pet. That no Part of the Crown-Lands may be sold, given, or exchanged ; and that there be a Resumption of such as are.

Answer. The King will be advised of this.

Pet. That every Man may pursue his Remedy for all Havock and Spoils, committed since the coming of the King.

Answer. For Spoils done where the King's Army hath been, he will be advised ; for the rest he granteth.

Pet. That all Men dispossessed of any Tenements, without Process of Law, may be restored, if done since the King's coming in.

Answer. They are remitted to the Common Law.

Pet. That, in Consideration of the great Plague in the North, it would please the King to lie with his Army in the midst of the Kingdom.

Answer. The King will be advised.

Pet. That the King will appoint able Captains, as well in *England* as in *Wales*.

Answer.

(i) The Preamble to this Statute, and the rest in this Year, begins in this Manner :

‘ Henry, by the Grace of God, King of *England* and of *France*,
 ‘ and Lord of *Ireland* ; to the Laud and Honour of God and Reverence
 ‘ of Holy Church, for to nourish Unity, Peace and Concord, amongst all
 ‘ Parties within the Realm of *England* ; and for Redress and Recovery
 ‘ of the same Realm, which now of late hath been dangerously put to
 ‘ great Ruin and Desolation ; by the Assent of the Prelates, Dukes,
 ‘ Earls, Barons, and at the Instance and special Request of the Com-
 ‘ mons of the same Realm assembled at his Parliament held at *West-*
 ‘ *minster*, on the Feast of St. Faith the Virgin, the first Year of his
 ‘ Reign, hath made, ordained, and established certain Ordinances and
 ‘ Statutes in Form, as followeth.’ *Statutes at large*, An. I. Hen. IV.

Answ. The King meaneth no less.

King Henry IV.

The Commons grant to the King, that he shall be as free and enjoy as great Liberties as any of his Progenitors had before him; whereupon the King, in Parliament, promised that he would not turn the same contrary to the Laws.

Pet. The Commons pray the Reversal of the Judgment given against *Richard* Earl of *Arundel* in the 21st Year of King *Richard*, and that Restitution be made to *Thomas* his Son and Heir (*k*).

Answ. The King hath shewn Favour to *Thomas* now Earl, and to others.

Pet. That such Records, touching the Inheritance of the said Earl of *Arundel* and *Surrey*, late embezzled, may be sought for and restored.

Answ. The King willeth.

Pet. They make the like Request for Restitution to be made to *Thomas* Earl of *Warwick* (*l*).

Answ. The King hath shewn Favour to him also.

Pet. They require a Repeal of the Act made *Anno* 21. *Richard* II. with a general Restitution of Lands and Goods, to all such as lost thereby.

Answ. The King has been gracious in this also, and for the rest he will be advised (*m*).

These are all or most of the Petitions and Answers, on publick Affairs, which passed in this Parliament. But there are yet some Matters in the Pleas of the Crown, at this Time, which deserve our Attention.

The Commons pray the King, that the Lords, who were Appellants in the Parliament held the twenty-first

D 4 of

(*k*) See Vol. I. p. 470.

(*l*) Ibid. p. 477.

(*m*) A Repeal of the whole Parliament holden 21 Ric. II. and of the Authority given thereby was passed, and the Parliament held 11 Ric. II. confirmed. Also a Restitution to those, or their Heirs, who were attainted 21 Ric. II. *Statutes at Large*, An. 1. Hen. IV. See before, in the First Volume, p. 412, and 492.

The Parliament 21 Ric. II. was called, says *Hall*, the Evil Parliament for the Nobility, the worse for the Menalty, but the worst of all for the Commonalty. *HALL's Chron.* Fol. XI.

A general Pardon was also passed for Treason, Felony, &c. except to the Murderers of the Duke of *Glocester*. *Stat at Large*, An. 1. Hen. IV.

Hall writes, that an Act was passed this Parliament for entailing the Crown of *England* on this King *Henry*, his four Sons in Succession, and their Posterity; and hath given us the Substance of it. But nothing of this Nature appears on the Records, or in the Statute-Books, till *Ann.* 7. Hen. IV. which see.

56 *The Parliamentary History*

King Henry IV. of the late King *Richard*, may be called on to answer for their Acts done at that Time. The Records of which were brought and read in Parliament, in the Presence of *Edward* Duke of *Albemarle*, *Thomas* Duke of *Surrey*, *John* Duke of *Exeter*, *John* Marquess of *Dorset*, *John* Earl of *Salisbury*, and *Thomas* Earl of *Glocester*. These were all the Accusers of the Archbishop and the rest of the Lords, in the Parliament of the 21st of *Richard* II. that were spared from Execution ; except King *Henry* himself, then Earl of *Derby*, who was the principal Person concerned in that Affair.

Proceedings against the Duke of *Albemarle*, and other Lords Appellants, in the 21st of *Richard* II.

The Duke of *Albemarle* was called on first, who pleaded in Excuse, ' That he was no Contriver of the said Appeal ; and what he then did, was by the King's Command, whom he durst not disobey. That in relation to King *Henry*'s Exile, and Revocation of his Patent, it was entirely against his Will, and he called certain Lords to witness the same : He, also, endeavoured to excuse himself from advising, or being any ways privy to the Death of the Duke of *Glocester*.'

The Duke of *Surrey* prayed the King to consider the tender Age, and small Reputation he was in, at the time the Appeal was made. Afterwards, he answered in all Points, as the former Duke had done ; all which he offered to prove when the King should appoint.

The Duke of *Exeter* pleaded also, as above ; only, in relation to the Duke of *Glocester*, he added, that he heard King *Richard* say, that he should be slain.

The Marquess of *Dorset* affirmed, as before, only he made no mention of the Duke of *Glocester*.

The Earl of *Salisbury* said, that he was drawn into the Appeal, for fear of his Life ; and for that he was accused by the Duke of *Norfolk*, that he should have meant to have slain the Duke of *Lancaster*, the King's Father. Albeit, he was ready by the King's Order, to have disproved the Charge ; but, for that he had not yet offered to acquit himself thereof, he asked Pardon for the same (n).

The Earl of *Glocester* affirmed the same with the Duke of *Albemarle*.

After

(n) Vol. I. p. 491.

After these Noblemen had answered the several Questions, they were all ordered to withdraw, whilst the King and Parliament consulted what Sentence to award for them. And the King and Lords did adjudge, That the said Dukes, Marquesss and Earls, should lose their Names and Titles, and all the Honours thereto belonging; and that they should forfeit all the Lands and Goods, which they, or any of them had given them at the Death of the said Duke of *Glocester*, or at any time since; and that if they, or any of them, should espouse the Quarrel, or assist the Person of King *Richard*, lately deposed, that then the same should be Treason.' Which Sentence or Judgment, by the King's Command was pronounced by Sir *William Thirning*, Lord Chief Justice of the King's Bench.

King Henry IV.

They are sentenced by Parliament to be deprived of their Honours.

But after all, we find that as to their Lands, it was left to the King either to continue them in Possession, or turn them out if he pleased. Yet, *Henry*, willing to begin his Reign with some Acts of Clemency, not only left them their Estates, but, also, restored them to their Honours. Moreover, he made the Duke of *Exeter*, who had married his Half-Sister, Governor of *Calais*. But *Walsingham* (o) writes, that this mild Sentence on the Lords was greatly resented by the Common People, both against the King and his Council, because they judged those Noblemen by their late Proceedings, guilty of Death.

But are restored by the King.

On the 29th Day of *November* the Commons required, that the Arrest and Judgment against *William le Scrope*, Earl of *Wiltshire*, Sir *Henry Green*, and *John Bussy* Knights, who had been executed without any Process at *Bristol*, might be confirmed in full Parliament (p). On which Sir *Richard le Scrope* petitioned the King that nothing might be done to disinherit him or his Children, considering the said *William* was his Son. The Commons asked Sir *Richard*, if the Judgment against his Son was lawful? Who answered, that it was lawful. Upon which, the King said, that he would have all the Lands of the Persons aforesaid forfeited to him by way of *Conquest*, as of those who had been the

(o) *Walsingham*, p. 362. *Fabian's Chron.* Fol. CLXV.

(p) See Vol. I. p. 500.

King Henry IV. the chief Actors in the Parliament of the twenty-first of *Richard* the Second.

Inquiry into the Murder of the Duke of Gloucester.

The last Thing which we shall mention in the Proceedings of this Parliament, is some farther Enquiry made there in relation to the Duke of *Glocester*; which tho' not all mentioned in the *Abridgment*, our older Chroniclers (*q*), particularly *Hollingshead*, are very exact in describing. Sir *John Baggot*, then a Prisoner in the *Tower*, was brought to the Bar of the House, and there examined on the Affair of that Murder; who there declared, in a Bill, then delivered in, ' That it was by the Advice and Instigation of the Duke of *Albemarle*, that the Lords were apprehended by the King, and that the Duke of *Gloucester* was inhumanly murder'd at *Calais*. That the Duke of *Norfolk* did keep the Duke of *Gloucester* alive three Weeks against the King's Will; but, for Fear of the King's Displeasure, the said Duke and himself, with several of the King's Servants, went over to *Calais*, and saw him put to Death.' After this Declaration was openly read, the Duke of *Albemarle* rose up and said, ' That he utterly denied the Charge to be true against him, and offer'd to justify his Innocency by Combat, in such Manner as should be thought requisite.' But *Baggott*, not being at Liberty to accept the Challenge, the Lord *Fitz-Walter*, and twenty other Lords, offer'd to make it good by their Bodies, that he was the Cause of the Duke of *Gloucester*'s Death. The Duke of *Surrey* stood up against the Lord *Fitz-Walter*, and having affirmed that what the Duke of *Albemarle* had done against the Duke of *Gloucester*, was by Constraint, he offer'd to vindicate him by Fight; and all their Hoods, which they flung down as Pledges of their Intentions, were deliver'd to the Constable and Marshal to be kept. But all these Differences the King thought proper to accommodate, in a Way more politick and more consistent with the Exigency of the Times, than suffering them to go on to a Martial Trial.

Baggott, in one of his Examinations before the House

(*q*) *Hollingshead's Chron.* p. 511, 512, &c. Sir *John Hayward*, 112. *Daniel in Kennet*, 274.

House, mention'd one *John Hall*, then a Prisoner in King Henry IV. *Newgate*, who could say much more than he, relating to the Death of the Duke of *Gloucester*. Which *Hall*, being sent for and examined, confessed the whole Matter; whose Examination, Confession, and Sentence passed against him, being on the Rolls, we shall give from Sir *Robert Cotton's* own Account of it.

'*John Hall*, a Servant of the Duke of *Norfolk*, being examined by Sir *Walter Clopton*, Chief Justice, in full Parliament, confess'd upon his Oath, that in the Month of *September*, *An. 21, Rich. II.* the Duke of *Norfolk* charged the said *John*, among others, to murder the Duke of *Gloucester*, there being present one *John Colfox*, an Esquire of the said Duke of *Norfolk*; and that they two then being at *Calais*, went together to our Ladies Church, where they found *William Hemsley*, Esq; as aforesaid, — *Bradshaw*, Esq; as aforesaid, *William Servadlet*, of the Chamber of the late King *Richard*; *Francis Vadlett*, of the Chamber of the Duke of *Albemarle*; *William Rogers*, *William Dennice*, and — *Cockle*, Servants to the said Duke of *Norfolk*; all whom were sworn upon the Body of Christ, before one Sir *William Chaplin*, of *St George's*, in the Church of our Lady, that they should not disclose the said Fact or Murder.'

'That after this Oath made, they altogether went with the Duke of *Norfolk*, towards the House call'd the Princes Inn, and when they were come, the said Duke of *Norfolk* caused the Persons aforesaid to enter into a Lodging within the same House, and so departed.'

'After which *John Lovetofte*, with sundry other Esquires, brought the Duke of *Gloucester*, and deliver'd him to the said *Searl* and *Francis*, in an Inner Parlour, and said, 'There is *Searl* and *Francis*;' whereupon the Duke of *Gloucester* said, 'Now I see I shall do well,' and so asked *Searl* how the King did? who said well; and sent to him Commendations, and so the said *John Lovetofte* departed.'

'Whereupon the said *Searl* and *Francis*, took the said Duke of *Gloucester* into an Upper Chamber, saying, 'That they would speak with him;' unto whom when they

King Henry IV. they were come there, they said, 'That the King's Will was, that he should be slain; the Duke answer'd there-to, 'If it be so it is welcome;' that *Searl* and *Francis* willed the Duke to take a Chaplain, whom the Duke there took, and was confessed.'

'After which Confession they caused the Duke to lye upon a Bed, upon whom so lying, the said *Searl* and *Francis* threw a Feather-Bed, the Sides whereof the said *William Rogers*, *Dennice*, and *Cockle* of the Chamber, held; and *Searl* and *Francis* lay on the Mouth of the said Duke until he was dead; *Colfox*, *Hempsley*, and *Bradshaw*, sat that Night by the Duke on their Knees, weeping, and praying for the Soul of the said Duke; and *Hall*, this Examinant, kept the Door until the Duke was slain.'

'After the Death of which Duke, the Duke of *Norfolk* came in, and seeing him dead, said, 'It were a great Matter to have the said Duke living again.'

'By whose Confession it seemed to the Lords, that he the said *John Hall*, had deserved a grievous Death; whereupon they adjudged, by the Assent of the King, that the same *Hall* should be drawn from Tower-Hill to *Tyburn*, his Bowels to be burned before him, his Body to be hanged, headed, and quartered, and his Head to be sent and set upon *Calais*, and his Quarters at the King's Pleasure; and the Marshal the same Day did Execution accordingly.'

Though the Reader may find that this Revolution was sufficiently sanctified by the Archbishop of *Canterbury*, and all the other Bishops, except one, concurring with it, yet a more formal Testimony was expected from them. And, whilst the two Houses of Parliament were acting, in the Manner abovesaid, at *Westminster*, the Bishops and Clergy met in the Convocation at *St Paul's*. As the King rightly judged, that, in order to support himself on the Throne, it was necessary to make that Body his Friends, he sent the Earls of *Northumberland* and *Westmoreland* to assure them of his Protection. These Ambassadors, being admitted into the Assembly, said, 'That they were come from the King, not to demand Money, as was usual in the former Reign; but to acquaint the Cler-

gy

‘ gy of the King’s Resolution to maintain them in all King Henry IV.
 ‘ their Privileges and Immunities. Adding, that they
 ‘ had Orders to assure the Convocation, that the King
 ‘ was ready to concur with them in whatever Means
 ‘ should be thought proper to extirpate Herefy, and The King pro-
 ‘ punish obstinate Hereticks.’ They concluded with mises to assist the
 desiring the Clergy’s Prayers for the Welfare of the Clergy in extir-
 King and Kingdom. pating Herefy.

M. *Rapin* remarks here, that nothing could be more apt to gain the Hearts of the Ecclesiasticks, than the King’s Promise to extirpate Herefy. The Number of the *Lollards*, which daily encreased, gave the Clergy much Reason to fear, that in the End a Reformation might be set on Foot, very detrimental to their Temporal Interests. Accordingly, the Assurances the King gave the Convocation, were received with great Demonstrations of Joy and Thankfulness. And, the Reader will find, in the Course of this Reign, that he strictly kept his Word with them.

The next Year, being *Anno* 1400, began with Troubles of various Kinds, but all levelled against *Henry* and his new acquired Government. The King of *France*, The King of France declares
 whose Daughter *Richard* had married, was exceedingly against Henry.
 exasperated at the late Revolution; and made great Preparations to revenge the Affront done to his Son-in-Law. *Henry* had sent an Embassy into *France*, to excuse this Matter as well as he could, but the Envoys could proceed no farther than *Calais*; because the *French* King had not only denied them his Safe-Conduct, but had imprison’d an Herald they had sent to demand it. In this pressing Exigency, nothing but War being expected, and the Sinews of it very much wanted, *Henry* called a great Council of Peers to meet at *Westminster*, on the 9th Day of *February*, to consult of proper Measures to divert this Blow. In the Collection of *Public* A Council, of Peers Only, cal-
Acts is a long Memorial of what was concluded on in led, to prevent
 this Council; which, as it is there expressed, was cal- charging the
 led of Lords Spiritual and Temporal only, in this pres- Commons with
 sing Necessity, *to avoid summoning any Parliament (r)*, any Tax for the
 and laying any Tax or Imposition on the Commons. War.
 They

(r) *Pour eschuire aucune Parlement estre sommoner, &c.* *Fœd. Ang.* Tom. VIII. P. 125, 126.

King Henry IV. They, therefore, consented to raise Forces at their own Expence ; and, in the List of the Names of the Peers then present, is an Account of what Number of armed Men each Temporal Lord engaged himself to bring ; but the Spiritual, tho' there also named, are out of this Question.

Anno Regni 1.
1400.
At York.

Nor were the *Scots* less frightful to *Henry* on the other Side ; but taking Advantage of the Dissentions in *England*, they broke the Truce, and made several Inroads, with great Devastations and Plunderings. To stem this Tide, *Henry* carried his new raised Forces towards *Scotland* ; and in his Way thither he thought to have met a Parliament he had summoned to appear at *York*. For we find, that Writs of Summons were sent out, directed to *Henry* Prince of *Wales*, &c. and dated at *Westminster* the 19th Day of *September*, for a Parliament to meet at *York*, on the Feast of *All Souls*, next coming. *Cotton* has given us no more than the Names of the Peers that were summoned to this Parliament ; it is probable that the Business of it was interrupted by the Insurrections, then made in the Nation, in Favour of King *Richard*. It is not for our Purpose to be so particular as to describe all these first Attacks against this new settled Government ; we must refer our Readers to the larger *English* Historians for that Purpose. Sufficient it is to say, that these Civil Tumults were soon quashed, and the Authors of them suffered Death, or perpetual Imprisonment. In this Interval, it was thought necessary that the unhappy Occasion, though innocent of them himself, should be, also, removed ; and *Richard* II. underwent the same Fate with his Great Grandfather *Edward* II. to make sure Work, and prove this common Maxim true, that *There is but a small Space betwixt the Prisons and Graves of Kings* (s).

Richard II. put
to Death.

Anno Regni 2.
1401.
At Westminster.

After these Commotions were, in some Measure, quieted, another Parliament was summoned to meet on the 21st of *January*, in the second Year of this King, when the Knights and Burgeses were called into the Chancery Court, in *Westminster-Hall*, before the Chancellor

(s) Authors differ as to the Manner of his Death. Some say he was murdered with a Poll-Ax : Others, that he was starv'd.

Chancellor and the Steward of the King's Household, King Henry IV. by Name; upon whose Appearance, the Chancellor put off the Parliament to the next Day, by the King's Authority.

On the said Day Sir *William Thyrning*, Chief Justice of the King's Bench, by the King's Command, declared, ' That this Parliament was called to the End
' that Holy Church, and other Corporations and Per-
' sons should enjoy their Liberties; that all good Laws
' should be executed, and Justice truly ministred; and
' that nothing should be done in Derogation of the
' Common Law.

He then rehearsed, ' What great Charges the King
' had been at for his Coronation; for suppressing the
' late Rebellion attempted by the Nobles; for his Ex-
' pedition against the *Scots*; and, lastly, for resisting
' the Rebels in *North Wales*; all which Adventures
' he had undertaken in his own proper Person.' He further told them, ' That the King was bound to re-
' turn the Queen into *France*, with all such Jewels
' and Riches as King *Richard* had with her in Mar-
' riage. He put them in Mind of the Charges for
' keeping of *Calais*, and the King's other Fortresses
' abroad; especially for the Dutchy of *Guienne*, being
' annexed to the Crown, for the which War was like-
' ly to ensue, because the King of *France* had created
' his eldest Son Duke of *Guienne*; and lastly, for the
' Wars in *Scotland* and *Ireland*. For the Support of
' all which great Charges he urged the Lords and Com-
' mons to consult and to consider the Importance of
' them: He concluded with desiring the Commons to
' choose a Speaker, and to present him the next Day
' to the King.

Then the Receivers and Tryers of Petitions were appointed for *England*, and the other Kingdoms and Countries abroad, as usual; and on the Day after, being *January 23*, the Commons presented to the King Sir *Arnold Savage* for their Speaker, who made the accustomed Protestation, for himself and the Commons, which was accepted and enrolled.

On the 25th, the Commons by their Speaker, in full Parliament, ' gave the King most hearty Thanks for
' his

Sir Arnold Sa-
vage chosen
Speaker.

King Henry IV. ' his Promise of maintaining the Catholic Faith. They
 ' desired that the King would not give an Ear to any
 ' slanderous and untrue Reports concerning their Pro-
 ' ceedings, but let the Event shew the same.' Which
 being promised, the Speaker went on and declared to
 the King, ' That to every good Government four
 ' Things appertained, *viz.* Wisdom, Prowess, Man-
 ' hood and Riches; all which he affirmed was in the
 ' King and his Nobility, as the World very well knew,
 ' and they would approve; for the Hearts and Good-
 ' will of Subjects, which his Majesty had, were the
 ' Riches of a King. Therefore, for certain Reasons,
 ' the Commons would persuade the King not to agree
 ' to the Challenges, which the *French* had made to him
 ' and the Lords.' This the King promised not to at-
 tempt without their Advice, and gave them Thanks
 for their tender good Will to him (s).'

On the last Day of *January*, the Commons, by
 Word of Mouth prayed, that certain Petitions might
 be answered by the King, which he, again, desired
 might be put in Writing, and then he promised to an-
 swer them.

On the 21st of *February*, the Commons prayed the
 King to execute the Ordinance of King *Richard* the
 Second, upon the Conquest of *Wales*, *viz.* that no
Welchman born should bear any Office in that Country,
 &c. The King promised to send for the Ordinance,
 and cause Execution of it.

They then required the King, that, according to the
 Laws and Customs of the Realm, he would seize into
 his Hands the Houses and Lands of all Alien Priories,
 and Donatives, during the Wars. To this the King
 required Advice, and promised to do therein as the
 Bishops and Peers should instruct him.

The same Day, on a like Motion, the King revok-
 ed all Annuities granted out of the Custom of Wools;
 and at the same time they required the King to com-
 mit the Charge of Wool-weighing, and the Inventory
 of

(s) The Duke of *Orleans*, Brother to the *French* King, a Prince of
 great Courage and Reputation in Arms, had sent a Challenge to *Henry*
 to meet him at *Bordeaux*, with a hundred stout Warriors on a Side,
 there to fight, and each Victor to have his Prisoner. This Accident is
 placed two or three Years later by all our Historians.

of King *Richard's* Goods, which the Treasurers had delivered to them, to some Persons as might make due Enquiry thereof, and discharge the Commons of it. They, also desired, 'That all Matters transacted in this Parliament, might be engrossed before the Departure of the Justices.' 'It was answered, 'That the Clerk of Parliament had Orders so to do.'

At the same time the Commons declared, 'That it was not the usual Custom for them to grant any Subsidy before they had received Answers to their Petitions; and prayed the Observation of that Custom from thenceforth.' Upon this the King required a Conference with the Lords; and, on the last Day of the Session, gave the Commons this Answer, 'That there was never any such Use known, but that they should first go through with all other Business, which Ordinance the King intended not to alter.' After which a Subsidy was granted of one *Tenth*, and one *Fifteenth*; Two Shillings on every Ton of Wine, and A Subsidy Eight-Pence in the Pound on Merchandize.

The Lords Temporal, with the King's Assent, adjudged *Thomas Holland* late Earl of *Kent*, *John Holland* late Earl of *Huntington*, *John Montagu* late Earl of *Salisbury*, *Thomas le Despenfer* and *Ralph Lumley*, Knights, and several others, who were, for their Treasons and Rebellions, taken by certain of the King's Subjects, and beheaded as Traitors, that they should forfeit all such Lands as they had in Fee, *January* the fifth, in the First of this King, or at any Time after, together with all their Goods and Chattels. To which Judgment all the Lords present put their Names.

Proceedings against several Lords for Treason, &c.

But the Commons shewed themselves more charitable than the Lords; for, coming before the King, *March* the 5th, their Speaker in an Oration he made to the Throne, took occasion, 'to liken the three Estates of the Realm to the *Trinity*, as consisting of King, Bishops and Lords, and the Commons; wherein, adds he, ought to be Unity; and therefore prayed the King to reconcile the Earl of *Rutland* and the Lord *Fitz-walter* (x).' These Lords kneeling, at the same time, and submitting themselves to the

VOL. II.

E

King

(x) See before, P. 58.

King Henry IV. King's Will, were both pardoned. The Commons first, and the Lords after, pray that the Earl of *Somerset* might have the same Mercy extended to him as the Earl of *Rutland*, and be both restored to their Goods, Names and Liberties, notwithstanding the Judgment given against them, *primo Regis*; which the King, with Thanks for their Motion, also granted. These Earls had forfeited the Titles of Duke of *Albemarle* and Marquess of *Dorset*, by that Judgment. The former of them, being Son to the Duke of *York*, had merited some Favour by being the first, tho' inadvertent, Discoverer of a dangerous Conspiracy against *Henry (y)*. Some more Acts of Clemency, to private Persons, were done in this Parliament, which the King, like a politic Prince, thought proper to gild his Cause with, and to establish his Throne in Mercy.

An Affair of the like Nature with the preceeding, deserves also our Notice: It seems, that *Henry le Spenser*, the famous Bishop of *Norwich*, so much spoke of in the Beginning of the last Reign (*z*), had been accused by Sir *Thomas Erpingham*, then Vice-Chamberlain to the King, of being a Stirrer in the last Insurrections, or, at least, a Favourer of that Cause. The Bishop was sent for to come before the King in Parliament, and on his Appearance, the King ordered him to be placed in his accustomed Seat; then his Majesty declared, 'That he took the Accusations of the said Sir *Thomas* against the said Bishop to be just, and to proceed from the great Zeal the Accuser had for him; nevertheless, considering the Order of the said Bishop, and that he was of the King's Lineage, and to oblige him to better Behaviour for the future, he pardoned the said Bishop all his Misprisions done against his Person.' The whole Bench of Bishops stood up at this, and gave his Majesty their Thanks in open Parliament; and desired him to cause the said Bishop of *Norwich*, and Sir *Thomas Erpingham*, to shake Hands and kiss each other, in Token of Amity.

The Commons required the King to assist in pacifying

(y) He was concern'd in a Plot, with the Earls of *Kent*, *Huntington*, *Salisbury*, &c. [See P. 65.] for restoring King *Richard*; but it being blown, he sav'd himself, by making the first Discovery.

(z) See Vol. I. p. 377.

ing the Schism then in the Church of *Rome*, which had continued a long time, if it could be done without any Charge to this Realm. The Lords also desired the same; the King answered, 'That the Bishops should consider of it.' And, at Home, in order to suppress the Reformers, or the Followers of *Wickliffe's* Doctrine, which was still adhered to by many, a Writ is mentioned in the Records of this Parliament to be sent to the Sheriffs of *London* for the Burning of *William Sawtre*, a Clerk, convicted of Heresy by his Clergy, and by them adjudged to be burnt (a).

There was also a Statute made at this Session of Parliament touching the imprisoning or punishing, with Death, such as held any erroneous Opinion in Religion; but *Cotton* remarks, that the printed Statute differs greatly from the Record, not only in Form, but much more in Matter, in order to maintain Ecclesiastical Tyranny (b). His Publisher, *Prynne*, has this Note upon it, 'That this was the first Statute and butcherly Knife, that the impeaching Prelates procured, or had, against the poor Preachers of *Christ's* Gospel.' Master *Fox* writes, also, that King *Henry IV.* who deposed King *Richard II.* was the first of all *English* Kings that began the unmerciful Burning of *Christ's* Saints (c).

However, some other Laws were made in this Parliament, of great Use and Advantage to the State, viz. 'That no Provisions should be brought from *Rome*,

An Act for putting Hereticks to Death.

Another against Provisions from Rome.

E 2

' by

(a) Parish Priest of *St. Osith* in *London*. *Stowe* says, He was the first Man that suffered Death for Religion in *England*. The Writ from the King directed to the Mayor and Sheriffs of *London*, *ad comburendum Willielmum Sautre Capellanum*, is in *RYMER's Fæd. Ang.* Tom. VIII. P. 178.

(b) This Act having been repealed by Parliament 25 *Henry VIII.* and several Times since, is not printed at large in our Statute-Books. An Abstract of it is given, *Ann 2do, Hen. IV. Cap. XV.* in this Manner: 'The Catholic Faith and the Holy Church, amongst all the Kingdoms of the World, hath been very devoutly observed in *England*, and endowed, which hath not been troubled with Heresy. And therefore none shall preach without Licence from the Diocesan of the same Place. None shall preach or write any Book contrary to the Catholic Faith, or the Determination of Holy Church. None shall make any Conventicles of such Sects and wicked Doctrines, nor shall favour such Preachers. Every Ordinary may convene before him, and imprison any Person suspected of Heresy. An obstinate Heretic shall be burned before the People, &c.' See *COLLIER's Eccl. History*, P. 614, &c. *Tindal*, in his Notes on *Rapin*, says, that this bloody Statute was not repealed till the Year 1677. *Fol. Ed. 491. N. 4.*

(c) *Fox's Acts and Monuments*, P. 675.

68 *The Parliamentary History*

King Henry IV. ‘ by any Religious Person, to exempt them from Obedience to the Secular Power; and that all such Persons who shall bring any such Provisions into the Nation, shall incur a *Præmunire*. That no Person shall carry any Gold or Silver Coin out of the Nation, without a special Licence from the King; and if any one shall presume to do to the contrary, he shall forfeit all the said Coin to the King. That the Chirographer of the *Common-Pleas*, the Clerk of the Crown and *King’s Bench*, and the Marshal of the *Marshalsea* of the King’s House, should take no greater Fees, than what are prescribed and limited by the Statutes (d).’ By these Acts, says an Historian, the due Subjection of the Clergy and People was preserved and secured to the King; the Traffick of the Nation promoted; and the Courts of Justice made easy, and not an intolerable Grievance, as since they have been, to all such as seek their Rights (e).

There is a long Chain of Petitions from the Commons, with the Answers to them in Sir *Robert Cotton*; but as they are most of them on Law-Affairs, or private Properties, we shall omit them, and hasten to a Conclusion of this Parliament, which may be thought too tedious already.

On *Thursday* the tenth of *March*, being the last Day of this Parliament, the Commons all kneeled before the King, and besought him to pardon them, if, through Ignorance they might have offended him; which the King readily granted. Then the whole Assembly heard Mass together, when the Archbishop of *Canterbury* read the Epistle and Gospel; the King *did the Sacrifice* by promising to maintain the Faith of Holy Church; and when they were come to say, *Ite, missa est, & Deo Gratias*, the Commons offered their granted Subsidy; for the which the King returned them all Thanks, and the Chancellor dismissed them to their own Home. We may well suppose this Piece of Mock-Devotion and Pageantry quite new, and now practised, *ad Captum Vulgi*, since we have not met with the like in the Records, or Histories, of any former Reigns.

A Subsidy
granted.

Henry’s

(d) See *Statutes at Large*, Ann. 2. Hen. IV.

(e) *Daniel in Kennet*, P. 283.

Henry's new got Diadem was by no means easy on King *Henry IV.* his Head, as yet; for a dangerous Insurrection was begun in *Wales*, under the Conduct of *Owen Glendour*.

This *Welch* General made an Incurſion into *Herefordshire*, where being opposed by *Edmund Mortimer*, Earl of *March*, who, as is ſaid before, was retired to his Caſtle of *Wigmore* in that County, the latter was defeated and taken Priſoner (*f*). *Henry* was no ways diſpleaſed at this News; nor in any Haſte to have the captive Earl releaſed from Imprisonment, who, himſelf was, at length, more reconciled to it; for by *Henry's* Jealouſy of every thing relating to his Crown, and his Severity to thoſe who either could or would diſpute it with him, the captive Earl might think himſelf ſafer in Priſon than in his own Houſe. This dreaded Enemy being ſecured, *Henry* ſtill knew there were not wanting in the Kingdom, Perſons, who laid hold of every Occaſion to find fault with his Conduct. There was ſtill a dangerous Ferment amongſt his Subjects; and if the Malecontents remained quiet, it was only in Expectation of a favourable Opportunity to riſe. Reports were ſpread that King *Richard* was yet alive; but the Authors of it, being found out, ſuffered Death without Mercy. The King's great Severity, ſhewn on this occaſion, contributed very much to efface the good Opinion conceived of his Clemency and Humanity.

In the miſt of theſe Confuſions and Anxieties, Anno Regni 3.
Henry found himſelf obliged to call a Parliament; 1402.
for we find in the *Abridgment of Records*, that Writs At Weſtminſter.
were ſent out for one to meet at *Weſtminſter*, the Day after *Candlemas*, in the third of this King, and in the Year 1402; but nothing more is given of it, than the Names of the Peers ſummoned to it (*g*).

And it was not till the next Year, that another Par- Anno Regni 4,
liament was ſummoned to meet, at the ſame Place, on 1403.
the Morrow after St. *Michael*, or *September* the 30th. At Weſtminſter.
Which being aſſembled, and the Knights, &c. called over, as uſual in the Court of *Chancery*, the next
E 3 Day

(*f*) See before, p. 2.

(*g*) Moſt Hiſtorians write, that this Parliament met at *Coventry*, but that by the Inconvenience of the Place on account of Proviſions and Lodgings, it was adjourn'd to *Weſtminſter*.

King Henry IV. Day the Lord High Chancellor, in the Presence of the King, declared the Cause of their Meeting to be, First, for preserving the Rights and Liberties of Holy Church, and of all Corporations and Persons.

Then, he took for his Theme, *Pax multa diligentibus Legem*; from which he took Occasion 'To commend Peace, and to shew the great Blessings of it. He said, that Peace was always with those that obeyed the Laws; and, contrarily, he urged the Gall and Mischief of Dissention and Disobedience; and that there was no other way to check Peace-breakers than by War. He declared that by Dissention and private Discord, the Flower of all Chivalry, the Stock of Nobles within this Realm, was in a manner, lately, consumed; and that the whole Nation was in danger of being subverted, had not *God*, as a Deliverer, raised up the King.

'He put them in mind of the King's late great Victory against the *Scots*; he much lamented the great Schism in the Church, by having two Popes, and told them that the King intended to do his Part towards healing the same. He then desired them to provide Ways and Means for maintaining the War against *Scotland*; for utterly subjecting the Enemies in *Wales*; for wholly conquering *Ireland*, and putting a Stop to their Prince in that Country; for defending *Guienne, Calais*, and the Marshes thereof; and desired the Commons to chuse a Speaker, and to present him on the Morrow for Approbation.'

Sir Henry de Redford chosen Speaker.

The next Day the Commons presented Sir *Henry de Redford* for their Speaker, who making the common Protestation, it was granted. This House took several Days to consider of the Lord Chancellor's Charge to them; and we find that they were much at a loss what to determine. For on the 10th Day of *October*, the Chancellor acquainted the King, that the Commons desired to have certain of the Lords sent to them, with whom they might confer. The King granted their Request, with this Protestation, 'That the same was done out of Favour, and not of Duty;' which Protest was enrolled by the Clerk. Then the King sent the Steward of his Household and his Secretary to the Commons,

mons, to acquaint them with it; who returned for King Henry IV. Answer to the King, that they accepted of his Protestation; and accordingly four Bishops, four Earls, and four Barons were ordered to attend them.

On the 16th of *October*, the Commons in full Parliament, by the Mouth of their Speaker, 'gave to the King their most humble Thanks for his many valiant Exploits, namely, for his last Expedition into Scotland, and for his three several Journies into Wales, since the former; wherein, they took Occasion to praise the Valour of the Prince; and forgot not to mention the noble Service performed by the Lord Thomas, the King's second Son, in Ireland. As for the Victory in Scotland, they humbly hoped, that by good Policy it might be made to turn to the Advantage and Ease of the Commons; and, because, in that Battle, the Earl of Northumberland behaved gallantly, they prayed the King to give him Thanks.'

The King's Successes in Wales, Ireland, and Scotland.

On the 20th, the King being placed on his Royal Throne, the Earl of Northumberland and other Lords brought before him Sir Mordach le Steward, Son and Heir to the Duke of Albany, Brother to the King of Scots; the Lord Montgomerie, Sir William Grave, Sir Adam Foster, Scots; and Sir James de Helsey, Sir Pierce Hazars, and John Darney, Esq; Frenchmen; who, with others were taken Prisoners in the Battle of *Hambleton Hill*, nigh *Woolland* in the County of Northumberland, on the Day of the Exaltation of Holy Cross, or September the 14th last past (g).

Scots and French Prisoners brought before the Parliament.

These Prisoners in coming into the King's Presence, kneeled three Times; first, at the *White-Hall Gate* of the King's Palace, then in the midst of the Hall, and lastly before the Throne; and, whilst they were still kneeling, Sir Adam Foster, in the Name of them all, humbly prayed the King, that they might be entertained according to the Course of War; which the King, because they were taken valiantly fighting in the Field,

E 4

readily

(g) Or *Halidown Hill*. This Battle was gained by the Earl of Northumberland and Henry surnamed *Hotspur*, his Son; where 10,000 Scots were slain, and many taken Prisoners. But a Quarrel soon after arose between the King and the Earl about these Prisoners, which had like to have been of fatal Consequence to the King; but was really so in the End, to the Earl and his whole Family.

King Henry IV. readily granted. Then the said Sir *Adam* declared,
 ‘ That in order to stop the Effusion of *Christian* Blood, it
 ‘ was now in the King’s Power to have either a final
 ‘ Peace or a League.’ Upon which the King answered,
 ‘ That by his own Flattery and Untruth he was taught
 ‘ to be wiser, than to trust them ; since he had caused
 ‘ the King, by relying upon his Word, to leave *Scot-*
 ‘ *land* sooner than he intended to do.’ Sir *Adam* asked
 Pardon for this, and then they were committed to the
 Care of the Steward of the Household, to wait the
 King’s Pleasure.

On the 6th of *November*, the Commons prayed the
 King to consider the Loyalty of *John* Earl of *Somer-*
set, and to restore him to the Name and Honour of
 Marquess, which he lately lost. The King required
 Advice upon this ; but the Earl said, that the Title of
 Marquess was new and unusual, and therefore desired
 that he might be excused from taking it.

A Subsidy
 granted,

On the 25th of the same Month the Commons,
 with Assent of the Bishops and Lords, granted to the
 King the usual Subsidy on Wools, Wool-Fels and Skins,
 for three Years ; also Three Shillings on every Tun of
 Wine, and Twelve-pence in the Pound on Mer-
 chandize, besides a *Tenth* and a *Fifteenth*. This large
 and extensive Grant put the King into such a good
 Humour, that he sent the Earl of *Northumberland* to
 invite the whole Body of the Commons to dine with
 him the next Day ; which, we suppose they did accord-
 ingly. And, there being nothing worth our Notice,
 either in the farther Proceedings of this Parliament, or
 in the Petitions, we shall conclude with the Dissolution
 of it, which was on the 25th of *November* aforesaid.

Piercy Earl of
Northumberland,
 and others revolt.

This Year a dangerous Rebellion was set on foot,
 which had like to have proved fatal to the King and
 his Government. The principal Agents in it, were the
 Family of *Piercy*, with the Earl of *Northumberland* their
 Head, who had been the chief Instruments of raising
Henry to the Throne. But, growing jealous of one
 another, they soon lost all Respects, and turned from
 fast Friends to be the most mortal Enemies. The Bat-
 tle of *Hambleton* or *Halidown-Hill*, led on by the
 Earl and *Henry Piercy*, surnamed *Hotspur*, his Son ;
 where

(where 'tis said, that 10,000 *Scots* were slain, and many taken Prisoners, the Principal of which had been presented to the King in Parliament) was the chief Motive. For, a Dispute happening between *Henry* and the Malecontents, about the Disposal or Exchange of some Prisoners, they took that Opportunity to raise Forces, and bid Defiance to the Sovereign of their own making. *Henry* was as active in his Opposition, and brought down an Army which met with the discontented Lords at *Shrewsbury*, where a terrible Battle was fought between them. *Hall*, in his Chronicle, tells us, that the Night before the Battle, the Earl, his Brother, and Son, sent a Challenge to *Henry*, comprised in several Articles, which severely treated and branded him with Usurpation and Perjury. These Articles are given at length by the aforesaid old Historian, but are strangely abridg'd and mangled by the Moderns; therefore, tho' not strictly Parliamentary, yet they well deserve a Place in these Enquiries, and are as follow (b) :

‘ We *Henry Percy*, Earl of *Northumberland*, High Constable of *England*, and Warden of the West Marches of *England* towards *Scotland*; *Henry Percy*, our eldest Son, Warden of the East Marches of *England* towards *Scotland*; and *Thomas Percy*, Earl of *Worcester*, being Proctors and Protectors of the Commonwealth, before our Lord *Jesus Christ*, our Supreme Judge, do alledge, say, and intend to prove with our Hands personally, this instant Day, against thee *Henry Duke of Lancaster*, thy Complices and Favourers, unjustly presuming and named King of *England*, without Title of Right, but only of thy Guile and by Force of thy Fautors; that when thou after thine Exile didst enter *England*, thou madest an Oath to us upon the Holy Gospels, bodily touched and kissed by thee at *Doncaster*, that thou wouldst never claim the Crown, Kingdom or State Royal, but only thine own proper Inheritance, and the Inheritance of thy Wife in *England*; and that *Richard*, our Sovereign Lord the King and thine, should reign during the Term of his Life, governed by the good
‘ Coun-
‘ Their Remon-
‘ strances against
‘ Henry.

(b) *Hall's Chronicle*, Fol. 21.

King Henry IV.

‘ Council of the Lords Spiritual and Temporal. Thou
 ‘ hast imprisoned the same thy Sovereign Lord and our
 ‘ King, within the Tower of *London*, until he had,
 ‘ for Fear of Death, resigned his Kingdoms of *Eng-*
 ‘ *land* and *France*, and had renounced all his Right in
 ‘ the foresaid Kingdoms, and others his Dominions and
 ‘ Lands beyond the Sea. Under Colour of which
 ‘ Resignation and Renunciation, by the Counsel of thy
 ‘ Friends and Complices, and by the open Noising of
 ‘ the Rascal People by thee and thy Adherents assem-
 ‘ bled at *Westminster*, thou hast crowned thy self King
 ‘ of the Realms aforesaid ; and hast seized and entered
 ‘ into all the Castles and Lordships pertaining to the
 ‘ King’s Crown, contrary to thine Oath ; wherefore
 ‘ thou art forsworn and false.

‘ Also, we do alledge, say, and intend to prove,
 ‘ that whereas thou sworeſt upon the same Gospels, in
 ‘ the same Place and Time to us, that thou wouldſt
 ‘ not suffer any *Dismes* to be levied of the Clergy, nor
 ‘ *Fifteenths* of the People, nor any other Tallages and
 ‘ Taxes to be levied in the Realm of *England* to the
 ‘ Behoof of the Realm during thy Life, but by the
 ‘ Consideration of the three Estates of the Realm, ex-
 ‘ cept for great Need, in cases of Importance, or for
 ‘ the Resistance of our Enemies only, and none other-
 ‘ wise : Thou, contrary to thine Oath so made, hast
 ‘ caus’d to be levied right many *Dismes* and *Fifteenths*
 ‘ and other Impositions and Tallages, as well of the
 ‘ Clergy as of the Commonalty of the Realm of *Eng-*
 ‘ *land*, and of the Merchants, for Fear of thy Majesty
 ‘ Royal ; wherefore thou art perjured and false.

‘ Also we do alledge, say, and intend to prove, that
 ‘ whereas thou sworeſt to us upon the same Gospels,
 ‘ in the foresaid Place and Time, that our Sovereign
 ‘ Lord and thine, King *Richard*, should reign during
 ‘ Term of his Life in his Royal Prerogative and Dig-
 ‘ nity ; thou hast caused the same our Sovereign Lord
 ‘ and thine, traiterously within the Castle of *Ponte-*
 ‘ *fraet*, without the Consent or Judgment of the
 ‘ Lords of the Realm, by the Space of fifteen Days
 ‘ and so many Nights (which is horrible among Chri-
 ‘ stian People to be heard) with Hunger, Thirst and
 ‘ Cold

‘ Cold to perish, and be murdered ; wherefore thou art King Henry IV.
‘ perjured and false.

‘ Also, we do alledge, say and intend to prove,
‘ that thou at that Time when our Sovereign Lord and
‘ thine, King *Richard*, was so by that horrible Mur-
‘ der dead as above-said, thou by extorted Power,
‘ did’st usurp and take the Kingdom of *England*, and
‘ the Name and the Honour of the Kingdom of *France*,
‘ unjustly and wrongfully, contrary to thine Oath,
‘ from *Edmund Mortimer*, Earl of *March*, and of
‘ *Ulster*, the then next and direct Heir of *England*
‘ and of *France* immediately by due Course of Inheri-
‘ tance after the Decease of the foresaid *Richard* ;
‘ wherefore thou art perjured and false.

‘ Also, we do alledge, say, and intend to prove, as
‘ afore-said, that whereas thou mad’st an Oath in the
‘ same Place and Time, to support and maintain the
‘ Laws and good Customs of the Realm of *England* ;
‘ and also afterward, at the Time of thy Coronation,
‘ thou mad’st an Oath, the said Laws and good Cu-
‘ stoms to keep and conserve inviolable : Thou and
‘ thy Fautors, fraudulently, and contrary to the Law
‘ of *England*, have written almost through every Shire
‘ of *England*, to chuse such Knights for to hold a
‘ Parliament as shall be for thy Pleasure and Purpose ;
‘ so that in thy Parliaments no Justice should be mini-
‘ ster’d, against thy Mind, in these our Complaints now
‘ moved and shewed by us, whereby at any Time we
‘ might have any perfect Redress, notwithstanding that
‘ we, according to our Conscience (as we trust ruled
‘ by God) have often times thereof complained, as
‘ well can testify and bear Witness the Right Reverend
‘ Fathers in God, *Thomas Arundell*, Archbishop of
‘ *Canterbury*, and *Richard Scrope*, Archbishop of
‘ *York* : Wherefore now by Force and Strength of
‘ Hand, before our Lord *Jesus Christ*, we must seek
‘ our Remedy and Help.

‘ Also we do alledge, say, and intend to prove, that
‘ whereas *Edmund Mortimer*, Earl of *March* and *Ulster*,
‘ was taken Prisoner by *Owen Glendour*, in a pitched
‘ and foughten Field, and cast into Prison, and laden
‘ with Iron Fetters, for thy Matter and Cause, whom
‘ falsely

King Henry IV. ‘ falsely thou hast proclaimed willingly to yield him-
 ‘ self Prisoner to the said *Owen Glendor*, and neither
 ‘ wouldst deliver him thy self, nor yet suffer us his
 ‘ Kinsmen to ransom and deliver him : Yet notwith-
 ‘ standing, we have not only concluded and agreed
 ‘ with the same *Owen* for his Ransom, at our proper
 ‘ Charges and Expences, but also for a Peace between
 ‘ thee and the said *Owen*. Why hast thou then not
 ‘ only published and declared us as Traitors, but also
 ‘ craftily and deceitfully imagined, purposed and con-
 ‘ spired the utter Destruction and Confusion of our
 ‘ Persons ? For the which Cause we defy thee, thy
 ‘ Fautors and Complices as common Traitors and
 ‘ Destroyers of the Realm, and the Invaders, Oppres-
 ‘ sors and Confounders of the very true and right
 ‘ Heirs to the Crown of *England*, which Thing we
 ‘ intend with our Hands to prove this Day, Almighty
 ‘ God helping us.

A Battle ensues,
 wherein they are
 routed.

This Charge was sent to King *Henry* from the
 Lords, by two Esquires, who, having read them, an-
 swered, very coolly, ‘ That he was ready to prove
 ‘ their Quarrel to him false and feigned, by dint of
 ‘ Sword and bloody Battle, and not by slanderous
 ‘ Words and Writings ; and that he doubted not but
 ‘ Almighty God would aid and assist his righteous
 ‘ Cause, against such unfaithful Persons and false fore-
 ‘ sworn Traitors.’ Accordingly, the next Day a fierce
 and bloody Battle was fought, near *Shrewsbury* ; where
 tho’ at first, the Lords had the Advantage, yet in the
 End, that furious young Hero, *Hotspur*, being slain,
 their whole Army was routed, killed on the Spot, or
 taken Prisoners. Amongst whom was *Thomas Percy*,
 Earl of *Worcester*, who was presently beheaded in the
 Field.

This Battle was fought *July 22, 1403*. The Earl
 of *Northumberland* was then with an Army in the
North, but the King marching against him, he thought
 fit to come in upon the Terms offered to save himself
 and Fortune.

Anno Regni 5.
 1404.
 At Westminster.

The very next Winter in the 5th Year of this King’s
 Reign, another Parliament was summoned to meet at
Westminster,

Westminster, the Day after *St. Hilary* or *January* the 14th. When being all assembled, the Bishop of *London*, the King's Brother (i), and then Lord Chancellor of *England*, in the Presence of the King, Lords and Commons, declared the Cause of the Parliament; for the Preservation of Holy Church, &c.

King Henry IV.

He then took for his Text these Words, *Multitudo Sapientium*, &c. and thereby, learnedly, argued, 'That
' by Council every Realm was governed; he resembled every State to the Body of a Man, and applied
' the Right Hand to the Church, and the Left to the
' Temporal Lords, and the rest of the Members to
' the Commonalty; of all which Members and Estates,
' the King, as the Head, was desirous to have their
' Advice, and had called the said Parliament, on divers
' Occasions, for that Purpose.

' The first Thing that he put them in mind of,
' was the utter Suppression of the *Welch* Rebellions;
' for repelling the Malice of the Duke of *Orleans*, and
' the Earl of *St. Paule*, who had bent themselves wholly
' against the King and Realm, as appeared by their
' late Descent upon the Isle of *Wight*, where they
' were repulsed. To consider, also, the imminent
' Danger that the Marshes of *Calais*, *Guienne*, and other
' Dominions, beyond Sea, were then in; to remember
' the Wars in *Ireland* and *Scotland*, and
' likewise to take Order touching the late Rebellion
' under *Henry Peirce*, and others his Adherents at the
' late Battle at *Shrewsbury*; and then, desired the
' Commons to chuse, and the next Day to present
' their Speaker.'

Accordingly, the next Day the Commons came before the King, and presented Sir *Arnold Savage* for their Speaker: Whereupon the said Sir *Arnold* made the usual Protestation, for himself and the Commons, which was allowed.

Sir Arnold Savage chosen Speaker.

The first Things we find that the Commons in this Parliament went upon, were these: 'They desired the King to have Regard to the Charges for
' repressing

(i) This Prelate was *Henry Beaufort*, Half-Brother to the King by *Katherine Swinford*. He is not in *LE NEVE'S Fasti*, as Bishop of *London*.

King Henry IV. ‘ repressing the *Welch* Rebels, and safe keeping of the
 ‘ Sea ; to consider the great Expences of his own
 ‘ Household; and that both the King and Prince might
 ‘ give Liveries according to the Statute made for that
 ‘ purpose. That the King would provide for the Re-
 ‘ pairs of his Castles and Houses, and, namely, for his
 ‘ Castle at *Windsor*, which were all greatly in Decay ;
 ‘ and not grant away the Profits of those Castles and
 ‘ Houses, and stand to the Repairs of them himself ;
 ‘ by doing which he must be obliged to charge his
 ‘ Commons greatly, which might endanger the whole
 ‘ Estate.’

The Earl of
 Northumberland
 pardon’d.

The Lords pro-
 test against refer-
 ring Cases of
 Treason to the
 Judges.

On the 18th of *February*, the Earl of *Northumber-*
land came into Parliament, before the King and Lords,
 and there by his Petition to the King, acknowledged to
 have acted against his Allegiance ; namely, for gather-
 ing of Forces and giving Liveries, for which he craved
 Pardon ; and the rather, for that on the King’s Letters
 he yielded himself, and came to the King to *York*,
 whereas he might have kept himself away. The King
 delivered this Petition to the Judges, to be by them
 considered ; but the Lords made Protestation against it,
 and that the ordering thereof belonged to themselves.
 Accordingly, they, as Peers of Parliament, to whom
 only such Judgment belonged, in considering well the
 Statute of the 25th of *Edward III.* touching Treasons,
 and the Statute of Liveries made in this King’s Time,
 adjudged the Earl’s Crime to be no Treason nor Felony,
 but, only, a Trespass fineable to the King. For
 which Judgment the said Earl gave great Thanks to
 the King and Lords ; and at his own Request, he was
 sworn to be a true Liegeman to the King, to the
 Prince, and to the Heirs of his Body begotten, and
 to every of the King’s Sons, and to their Issue suc-
 ceeding to the Crown of *England*, according to Law.
 That done, the King pardoned the said Earl his Fine
 and Ransom (*k*).

The Archbishop of *Canterbury* prayed the King,
 that

(*k*) The Articles on which the Earl of *Northumberland* surrendered
 himself to *Henry*, and which were to be confirmed by Parliament, are
 in the *Publick Acts* under this Title ;

Cedula Conventionum cum Comite Northumbriæ.

Fæd. Ang. Tom. VIII. P. 364 Gallice.

that forasmuch as he and the Duke of *York*, with other King Henry IV. Bishops and Lords, were suspected by many to be in the Confederacy with *Henry Percy* Son to the Earl of *Northumberland*, that the said Earl would speak the Truth ; on which the Earl, by the King's Command, on his Oath, purged them all from that Matter. But the same Day, the levying of War by the said Sir *Henry Percy* was adjudged Treason, by the King and Lords, in full Parliament.

The Commons proceeded in their first Design of regulating the King's Household, with whom the Lords accorded ; and they required that four Persons should be removed out of the King's House, viz. the Abbot of *Dore*, the King's Confessor, with *Durham* and *Crosbie*, Gentlemen of his Chamber. On *February* the 9th, the Confessor, *Durham* and *Crosbie*, came into Parliament, before the King and Lords, when his Majesty took occasion to excuse those Officers himself, saying, ' That he knew no Cause why they should be ' removed, but only because they were hated by the ' People.' Yet, he charged them to depart from his House according to the Desire of the Commons, and would have proceeded in the same Manner against the Abbot, had he been present. The Commons prayed, also, ' That such might be appointed Officers of the ' King's Household, as were known to be of virtuous ' Life, and that the Lords and themselves might be ' privy to the taking of them.

Several of the King's Officers remov'd upon Address of Parliament.

And a War with *France* being suddenly expected, the Commons desired, ' That the Commission for arraying ' and mustering of Men, and watching of Beacons, ' might be amended ; and that from thenceforth there ' should be no other Alteration in the Form of it.' To which, the King, with the Assent of the Lords, and, after Consultation had with the Judges, consented. The Form and Precedent of the said Commission stands next on the Roll. This Commission the Reader will find much canvassed, both by King and Parliament, in our later Civil Dissentions.

At the Request of the Commons, a Committee of Lords were, particularly, appointed to make some farther Regulations, who agreed on these Articles.

' First,

King Henry IV.

And other Regulations in his Household.

‘ First, that all Foreigners, in the Interest of the
 ‘ Anti-Pope, be not suffered to be about the King’s
 ‘ Person, but be banish’d the Realm (*l*). And, that other
 ‘ Strangers, who were Catholics, and particularly
 ‘ those of *Dutchland*, [*so translated*] be appointed to
 ‘ remain upon such of the Frontiers of the Kingdom
 ‘ where Garrisons are.

‘ Next, that all *French* Persons, *Bretons*, *Lombards*,
 ‘ *Italians*, and *Bavarians* whatsoever, be removed out
 ‘ of the House from the King and Queen; except the
 ‘ Queen’s two Daughters, *Maria*, and *St Miches*;
 ‘ *Alder* and *John Purian*, and their Wives (*m*). And
 ‘ that no *Welchman* be about the King’s Person.

These Articles were read in full Parliament, *Feb.*
 the 21st, and confirmed by the King, with the Lords
 Assent; and full Charge was given to the chief Officers
 of the Household, there named, to put them in Execu-
 tion; who, that Evening, performed the same.

But, for more Satisfaction to the Queen and her
 Daughters, the King, with the Consent of the Lords,
 ordained and assigned to the Queen, instead of the Fo-
 reigners, two Knights, a Damofel, two Chamber-
 maids, one Mistress, two Esquires, one Nurse, and
 one Chambermaid for the Queen’s Daughters, and a
 Messenger to wait on them at certain Times.

The King’s Letters Patents were confirmed by Act
 of Parliament, by which a Commission was granted,
 that certain Revenues and Customs, there express’d,
 and amounting to the Sum of ten thousand one hun-
 dred Pounds, should be yearly paid to the Treasurer of
 his House, for the Expences of the Family. In which
 Grant it appears, that the Profits of the *Hanaper*, in
Chancery, was then worth only 2000*l. per Annum*.

After settling the King’s Household, in the Manner
 above, the Commons went upon restoring Peace and
 Unanimity amongst the Peers and Great Men of the
 Land. They return’d his Majesty hearty Thanks for
 extending his Favour to the Earl of *Northumberland*;
 and,

(*l*) *Benedict. XIII.* The *English* adher’d to *Boniface IX.*

(*m*) This Queen was *Joan of Navarre*, Widow of the Duke of
Bretagne: But *Henry* had no Issue by her.

and, at their Request, the King commanded the said Earl and the Earl of *Westmoreland*, in Token of perfect Amity, to kiss each other, in open Parliament, thrice, and to shake Hands as often; also, to promise that their Friends and Tenants should do the like. The Earls of *Northumberland* and *Dunbar* were likewise commanded to perform the same Ceremony.

The same Time, at the Request of the Commons, the King in open Parliament, affirmed, that the Archbishop of *Canterbury*, the Duke of *York*, the Earl of *Northumberland*, and the other Lords, who were suspected to be in the Confederacy with Sir *Henry Percy*, were all his true Liegemen; and that neither they nor any of them should ever be impeach'd thereof by the King, or his Heirs, at any Time hereafter.

Some Matters of a less publick Concern, came also before this Parliament. The Commons reported that King *Edward III.* in a Parliament held in the 11th of his Reign, created his eldest Son Duke of *Cornwall*, and annexed the said Dutchy to the Crown, with divers Hereditaments, by Letters Patents; and by Authority of the same never to be dismembered or sold away (n).

They therefore pray the King to resume, seize, and unite again to the said Dutchy such Lands as were sold away by Prince *Edward*, King *Richard*, or by himself. Which Petition was answer'd in Effect following:

‘ It is agreed by the King and Lords, that the Prince, by the Advice of his Counsel, shall have his *Scire facias*, or other his best Means of Recovery; wherein shall be allow'd no Protection, or praying in Aid of the King, unless it be for Sir *John Cornwall*, and *Elizabeth* his Wife, late Wife to *John Holland*, late Earl of *Huntington*; and for such Persons to whom the King is bound by Warranty; and in Order to render the Value, in such Cases, the Prince shall sue to the King.’ There are several other Articles relating to the Restitution of this Dutchy which we shall omit.

At the Petition of *Joan*, Queen of *England*, the King granted, that the said Queen should enjoy, during her Life, in Lands and Tenements, to the full Sum of ten thousand Marks by the Year; for and in

Dutchy of Cornwall re-annex'd to the Crown.

Several Annuities granted.

82 *The Parliamentary History*

King Henry IV. Consideration of her Dower, according as other Queens of *England* had done.

Upon the Petition of *Edward* Duke of *York* (n), touching 1000 *l.* a Year, granted by *Richard* II. to him, and his Heirs Male, the King granted to *Edward* the said Duke 400 *l.* out of the Customs of *Kingston* upon *Hull*, and 289 *l.* 6 *s.* 8 *d.* out of the Customs of *London*, as Parcel of the said 1000 *l.* to him and his Heirs lawfully begotten.

John Earl of *Somerset*, Captain of *Calais*, and of the Marshes thereof, declared, that whereas by Indenture between the King and him, he stood bound to keep the Town and Castle aforesaid, taking therefore, for himself and his Soldiers, in Time of Peace or Truce 6301 *l.* 11 *s.* 8 *d.* and in Time of War 10,509 *l.* 6 *s.* 8 *d.* whereof he was unpaid 12,423 *l.* 12 *s.* 4 *d.* he therefore for Want of this is much streighten'd, and prayeth due Payment for the future. By this the Reader may see how much Money it cost the Government, in those Days, to keep that important Fortrefs in Possession.

On the Petition of *Joan*, late Wife to *Thomas* Earl of *Kent*, to have 1000 *l.* a Year during her Life, out of the Hereditaments of the said *Thomas*, the King, by the Consent of *Edmund* Earl of *Kent*, Brother to the said *Thomas*, granted to the said *Joan*, during Life, certain Mannors and Hereditaments, there named, to the Value of 300 Marks over and above her Jointure, for the which the said *Joan* releas'd to the said *Edmund* all her Dower.

Sheriff fin'd for a false Return. The Sheriff of *Rutland* having return'd one *William* *Ondeby*, for Knight of the same Shire, and not *Thomas* *de Thorpe*, who was chosen, he was commanded to amend the same Return, by returning *Thomas* *Thorpe*; and farther was committed to the *Fleet*, and to Fine, and Ransom, at the King's Pleasure.

The Petitions of the Commons occur next, in the Conclusion of this Parliament, but are no ways to our Purpose.

It

(n) This Duke was Son to the old Duke *Edmund*, who died a Year or two before.

It is observable that not one Tax or Subsidy appears on the Record, to have been either asked or granted by the King or Parliament, at this Session. But a Cotemporary Historian has assigned a Reason for this Omission; by telling us, that the Record of the Subsidy, which he says, was new and very pernicious to the Country, was ordered to be burned by those that granted it (o). This Tax is said, by some, to be twenty Shillings of every Knight's Fee, and twenty Pence of every one that had twenty Pounds Lands a Year, and one Shilling in the Pound for Money or Goods, and so upwards according to that Rate (p). If this be true, it was a heavy Tax indeed, and it is more than probable, that it was somewhat extraordinary, since the Parliament took such Care that it should not be drawn into Consequence, by destroying the Evidences of it. But, in vain are Precautions taken, says a late Historian, to bury in Oblivion such Sorts of Precedents, which Princes, upon Occasion, too frequently call to Remembrance (q). The Records, however, prove one Thing remarkable, that in the *Statutes at Large*, Cap. xv. 5th Henry IV. the Act for a general Pardon, there, differs from the Record, in Effect, as wanting the significant Word, *Treason*, as likewise in Form (r).

King Henry IV.

The Record of a Subsidy burnt by Order of the Parliament that granted it.

In the same Year of this King, new Writs were issued out, directed as usual, for a Parliament to meet at *Coventry*, on the Third of *December*; tho' there is no Account of any Proceedings at it on Record. But in the next Year, other Writs came out for summoning another Parliament to meet at the same Place, dated at *Litchfield*, *August* 25, and returnable the 6th of *October*.

F 2

ber

(o) *Tbo. Walsingham*. His Words are these; *Concessores ipsi et Authores dicti Tallagii, in perpetuum Latere Posteris voluerunt; nempe sub ea tantum Conditione concedebatur, ne traheretur posterius in Exemplum, nec servarentur ejus Evidentiæ in Thesauraria Regia nec in Scaccario, sed Scripturæ vel Recordationes ejusdem, protinus post datum Computum cremarentur.*

Hist. Ang. p. 369, 370. Stowe's Chron. p. 330.

(p) *Hollingshead's Chron.* 524. *Daniel in Kennet*, 289.

(q) *Rapin*, Fol. Edit. 495.

(r) In the *Statutes at Large*, 5th Hen. IV. Cap. vi, is the Act for laying a Penalty on any who make an Assault on any Servant belonging to a Knight of a Shire, attending the Parliament, which is the first Act of Privilege we have met with.

King Henry IV. *ber (s)*. Being all met in the Great Chamber within the Priory of *Coventry*, which was appointed and ornamented for that Purpose, *Henry Beaufort*, then Bishop of *Lincoln*, and Lord Chancellor, the King's Brother, in the Presence of the Three Estates of the Realm, declared the Cause of the Summons, in the usual Preamble ; for Holy Church, Corporations, and Persons enjoying their Liberties ; and then gave out this Text, *Rex vocavit Seniores Terræ*, on which he learnedly argued,

Anno Regni 6.
1405
At Coventry.

‘ That for the Safety of the Realm, both within and
‘ without, and particularly, for repressing the *Welch*
‘ Rebels ; for resisting their Enemies in *France* and
‘ *Britainy*, who were daily getting Reinforcements,
‘ in order to invade the Nation, and to subvert the
‘ State ; for the due Observation of the Peace and
‘ Administration of Justice, the King had called the
‘ Wise Men of the Realm to be by them advised for
‘ the best. That the last Parliament had not pro-
‘ vided a sufficient Force for subduing the *Welch*, nei-
‘ ther was there a Competency granted for the Perfor-
‘ mance of such great Exploits ; and because the
‘ *French* had determined to make War upon *England*,
‘ and had then actually invaded *Guienne*, they could
‘ not wonder at the sudden Calling of this Parliament,
‘ since they ought speedily to determine for the avoid-
‘ ing of these so great Mischiefs and imminent Dan-
‘ gers.’ He then urged the Commons to chuse a
Speaker, and present him the next Day to the
King.

Sir William
Sturmey chosen
Speaker.

This urgent Demand was as speedily complied with by the Commons ; for the next Day having presented Sir William Sturmey for their Speaker, the very Day after, *October 8*, they, with the Assent of the Lords, granted the King two *Tenths* and two *Fifteenths*, also, the

(s) This Year another Insurrection was raised against Henry, of which the Archbishop of *York*, *Richard Scrope*, the Earl of *Northumberland*, *Thomas Mowbray*, Earl Marshal, were the Principals. The Articles mentioned before, [See P. 73.] were again renewed against Henry, and publicly fixed on the Church Doors in the City of *York*. But, by a Stratagem used by the Earl of *Westmoreland*, the King's General, the Archbishop and Earl were taken and beheaded, whilst the Earl of *Northumberland* found Means to fly into *Scotland*.

the Subsidy on Wools, Wool-fells, and Skins ; that is, King Henry IV. of every Denizen, for each Sack of Wool 43 s. 4 d. for every 240 Wool-fells the like Sum, and for every Last of Skins Five Pounds : Of Aliens 10 s. more, to subsist for two Years ; Three Shillings on every Tun of Wine, imported or exported, and Twelve pence in the Pound on Merchandize. *On Condition*, that the same should be employed, only, towards the Maintenance of the Wars, and Defence of the Realm ; and the Lord *Furnival*, and Sir *John Pelham*, Knights, A Subsidy granted. were appointed Treasurers of War, who were then sworn to execute their Offices according to the Intention of the Grant.

Several Bishops and Lords offered to lend certain Sums of Money, in order to raise Forces for rescuing the Lord of *Coytiff*, who was then besieged in his Castle by the *Welch* Rebels ; the King appointed, by Consent of Parliament, that such Loans should be repaid out of the first Payments of the Subsidy then granted.

On the 26th of *October* the Commons came before the King and Lords, in full Parliament, and begged Several Grants. Leave to recommend the young Lords *John* and *Humphry*, two of the King's Sons, for his Advancement of them to honourable Estates and Livings. They, also, prayed the King to remember the Duke of *York's* late Service in *Guienne*, and elsewhere, so as he might be paid the Arrears due to him. The like Request they made for the Earl of *Somerset*, and Sir *Thomas Beaufort* his Brother. Lastly, They beseeched the King to restore to *Richard*, Brother to the Duke of *York*, certain Jewels, to the Value of 4000 l. which were in the Hands of King *Richard II.* They, likewise, concurred in the Request above, for the Rescue of the Lord of *Coytiff*.

If what an Ancient and a Cotemporary Historian (t) writes be true, there is a great Defect in the Records relating to some considerable Transactions which were carried on against the Clergy in this Parliament ; for there is not one Word in *Cotton's* Abridgment said about

King Henry IV.

bout it. It is probable, that since the Design miscarried, the Clergy had Interest enough to keep it out of the Rolls. But, be that as it will, 'tis agreed that the Court had been tampering in the Elections this Parliament, to get such Members returned, as were not over favourable to the Interest of the Church. An Error in Government, tho' made a principal Article against King *Richard*, yet over-looked in King *Henry* (u). The aforecited Author relates, That the King directed the Sheriffs, in his Writs for electing Knights of the Shire, to chuse none that were any way learned in the Laws of the Land; but that they should send such to this Parliament as were wholly ignorant in the Course of either Canon or Civil Law; which was done (x). From whence this Parliament got the Name of *Parliamentum Indoctorum*, the Illiterate or Lack-Learning Parliament. But it is more probable it was nicknamed so, some Time after, by the Clergy, on Account of the Designs there carried on against that learned Body; for we find that other Authors call it the *Laymen's Parliament* (y).

The Laymen's Parliament.

Motion for applying the Revenues of the Church to the Service of the State.

However, our former Authority goes on and writes, that when the King first represented to this Parliament, so composed, his great Want of an extraordinary Aid, the Commons went in a Body, and, by their Speaker, addressed him, remonstrating, ' That without burthening his People, he might supply his Occasions ' by seizing on the Revenues of the Clergy.' They set forth, ' That the Clergy possessed a *Third Part* of the ' Riches of the Realm, and not doing the King *any* ' *Personal Service*, it was but just they should contribute out of their Revenues, towards the pressing Necessities of the State: That it was evident, the Riches ' of the Ecclesiasticks made them negligent in their ' Duty, and the Lessening of their excessive Incomes ' would be a double Advantage both to the Church ' and State.

The King received this Address in a Manner as shewed

(u) *Daniel* in *Kennet*, P. 290. *Rapin*, Fol. Edit. P. 495, 496.

(x) *Direxit ergo Brevia Vicecomitibus, ne quosquam e Comitibus eligerent quovismodo Milites, qui, in Jure Regni, vel Docti fuissent vel Apprenticii; sed tales omnino mitterentur ad hoc Negotium, quos constaret ignorare cujusque Juris Methodum; factumque ita est.* *Walsingham*, p. 374.

(y) *Stowe's Chron*, p. 330. *Speed*, p. 619.

shewed that it was not disagreeable to him ; and it is King Henry IV. not unlikely that it was he who, covertly, was the first Mover of it. The Archbishop of *Canterbury* being present, thought it his Duty to speak on an Occasion where his own and the Interest of the whole Which is opposed by the Archbishop of Canterbury. Clergy was concerned. He represented to the King, ‘ That tho’ the Ecclesiasticks served him not in Person, it could not be inferred that they were unserviceable, since they sent into the Field their Vassals and Tenants whenever there was Occasion. That the stripping the Clergy of their Estates, would put a Stop to their Prayers, Night and Day, for the Welfare of the State ; and there was no expecting God’s Protection of the Kingdom, if the Prayers of the Church were so little valued.’ Upon this, the Speaker of the Commons seemed to smile, and said openly, ‘ That he thought the Prayers of the Church a very slender Supply (z).’ To which the Archbishop answered, with some Emotion, ‘ That if the Prayers of the Church were so slighted, and that other Considerations were not capable of suppressing the Plots against the Clergy, it would be found difficult to deprive them of their Estates without exposing the Kingdom to great Danger ; and, so long as he was Archbishop of *Canterbury*, he would oppose this Injustice to the utmost of his Power.’ Then, suddenly, falling on his Knees before the King, ‘ he strongly pressed him in Point of Conscience, and endeavoured to make him sensible, that, of all the Crimes a Prince could commit, none was so heinous as an Invasion of the Church’s Patrimony.’

Whether *Henry* was moved with the Archbishop’s Speech, or that he foresaw the strong Opposition the Clergy would make, and that he could not, without great Difficulty, accomplish his Design, he suddenly changed his Purpose, and resolved to desist from it. He answered the Archbishop, ‘ That, though he blamed not his Zeal, he could not help saying, that his Fears were groundless ; for when he mounted the

F 4

‘ Throne,

(z) *Walsingham* says, that this Speaker was called Sir *John Cheney*, who having, as ’twas said, taken Deacon’s Orders, had deserted his Character, and turned Soldier, P. 371, 372. But by the Record he is called Sir *William Sturme*.

King Henry IV. ‘ Throne, he made a firm Resolution to support the
 ‘ Church with all his Power, and hoped by God’s
 ‘ Assistance to leave her in a better State than he
 ‘ found her.’ The Archbishop, encouraged by this
 Answer, turned to the Commons, and spoke to them
 in a Manner not very proper to gain their Goodwill,
 telling them their Demand was built wholly on Ir-
 religion and Avarice. ‘ You, says he, and such like
 ‘ as you, have advised both our Lord the King and his
 ‘ Predecessors, to confiscate the Goods and Lands of
 ‘ the Alien Priories and Religious Houses, on Pretence
 ‘ he should gain great Riches by it, as, indeed, they
 ‘ were worth many Thousands. Notwithstanding, it
 ‘ is most true, that the King is not Half a Mark the
 ‘ richer for them all; for you have extorted, or, at
 ‘ least, begged them out of his Hands, and have appro-
 ‘ priated the said Goods to your own Uses. So, it
 ‘ may well be conjectured that your Request to have
 ‘ our Temporalities, proceeds not so much for the
 ‘ King’s Profit, as for your own Covetousness. For,
 ‘ without Doubt, if the King, as God forbid, should
 ‘ fulfil your wicked Purpose, he would not be one
 ‘ Farthing the richer for it, at the Year’s End. And,
 ‘ verily, adds he, I will sooner have my Head cut off,
 ‘ than that the Church should be deprived of the least
 ‘ Right pertaining to it.

This Project gi-
 ven up, and a
 Supply voted.

The Commons made no Reply to this severe Re-
 primand, but when they came back to their House,
 they resolved to persist in their Petition, and brought
 in a Bill to seize the Clergy’s Revenues. But, there
 was no Probability of succeeding in their Project; the
 Solicitations of the Archbishop, and the rest of the Pre-
 lates, were so prevalent with the Lords, that they
 threw out the Bill; and so the Commons were forced
 to find other Means to supply the King’s Occasions(a).

Some Petitions of the Commons in this Parliament

*Petition, That all Hereditaments, Liberties, and Cu-
 stoms*

(a) *Walsingham* says, that the Knights and Burgeesses were so ashamed of themselves, that they confessed their Fault to the Archbishop, and asked his Pardon. And, That the Clergy granted the King at this Time a *Tenth* and an *Half*, notwithstanding that the *Half* of the last granted *Tenth* was yet unpaid. P. 372.

stoms as pertained to the Crown in the 40th Year of King Henry IV. King *Edward* III. and have been since by any Means granted, be resumed into the King's Hands for ever ; provided that all Towns shall enjoy their Liberties, except also the Lands of such as were forejudged in the 11th of *Richard* II. and sold away.

Petitions of the
Commons.

Pet. That all Tuns and Pipes of Wines granted to any Person by the King, or any of his Progenitors, be also resumed.

Pet. That the Queen may be endowed of all such Hereditaments as *Anne* the late Queen was, in whose Hands soever the same be, and by what Grant soever.

Pet. That all Grants of King *Edward* III. or any of his Progenitors, and before the said 40th Year, may be confirmed by Parliament.

Pet. That no Man be restrained of any Warrant granted to build any Castle, or Caslet, or to inclose any Park.

Answer. The King will execute their Requests, as far forth, as by the Law, and his Prerogative he may do, and for that the Lands of the Crown in the 40th Year of *Edward* III. were not certainly known : He would appoint certain Commissioners to enquire, and execute the same.

'Tis enacted, that Proclamation be made, that all such as have any Patents granted since the 40th Year of *Edward* III. of any annual Value for Life, or Years, do, on Pain of forfeiting the same, bring them in by a Day there prescribed, to the End that such as deserve the same, may have Continuance, and the rest revoked.

Upon the Petition of *Henry* Prince of *Wales* it was enacted by the Lords, that the said Prince should have due Payment made of One Thousand Marks granted to him for the keeping of certain Men at Arms for the Defence of *Wales*.

On the last Day of this Parliament, the Commons prayed, That the Money borrowed for saving of the Honour of the Lord *John*, the King's Son, and the Estate of the Realm may be answered : That the King would consider the painful Service of the Duke of *York*, whilst he was the King's Lieutenant of *Guienne*, and that he may be paid what to him is due ; and also to
remember

King Henry IV. remember Sir *Thomas Erpingham* (b), Sir *Thomas Bempson*, *John Northbury*, and other valiant Knights and Esquires, who adventured themselves with the King at his coming into the Kingdom. Likewise, That no Stranger born be a Customer, or the like Officer, neither enjoy any Benefice within the Realm. And, that no Members of the Commons House be Collectors of Subsidies. The King's Answer to the Four First, was, *The King will be advised*: And to the Last, *It shall be as in the Reign of Edward III.* Lastly, At the Request of the Commons, the King remitted Six Shillings and Eightpence of every Sack of Wool, and the like of other Staple Commodities of the Grant made in the 4th Year of *Henry IV.* by Reason that so much was mis-entered in the Roll.

There were several other Petitions and Answers upon less Affairs, which, being read, the Chancellor, by the King's Command, returned his Majesty's Thanks to them all, and dissolved this Parliament.

Anno Regni 7.
1406.
At Westminster. In the seventh Year of this King's Reign (c), Writs were issued, dated 21st *December*, for a Parliament to meet at *Coventry* on the 15th of *February*; but on the 1st of *January*, Writs were issued for their Meeting at *Gloucester* on the Day first appointed: And on the 9th of *February*, Writs were a third Time issued for their assembling at *Westminster* on *Monday* in the first Week of *Lent*, or *March* the first that Year. Being all met at *Westminster*, according to the last Prorogation, in the Painted Chamber of the King's Palace there, *Thomas de Langley*, Clerk, then Lord Chancellor, opened the Cause of the Summons, and after making the usual Declaration about the Liberties of Holy Church, &c. he took for his Subject these Words, *Multorum Consilia requiruntur in magnis*; and said,

‘ That

(b) He was Warden of the Cinque Ports, *Anno 23, Richard II.* and was summoned to Parliament as such, in the first nine Years of *Henry IV.* Nor was there any Person summoned as Warden in this Reign, but *Henry Prince of Wales*, in the Eleventh Year.

(c) DUGDALE's *Summons to Parliament*, P. 372.

This Author and Sir *Robert Cotton* differ oftentimes so much in their Dates of Summons, that it is hardly possible to reconcile them. *Dugdale* says, there were no Summons in the Sixth of this Reign; contrary to *Walsingham*, *Cotton*, and the *Statutes at Large*, which mention several Acts pass'd in that very Year.

‘ That in the weighty Affairs relative to the good King Henry IV.
 ‘ Government of the Realm, and Safety of the Sub-
 ‘ jects, which were annoyed by the Rebellion of the
 ‘ *Welch*, and likely to be invaded by the *French* and
 ‘ *Scots*, who ceased not to infest *Guienne* and the
 ‘ Marshes of *Calais*; besides the Troubles raised by the
 ‘ *Irish*, he had called the same Parliament, as meaning
 ‘ to follow the Counsel of the Wise, saying, *Fili nil*
 ‘ *sine Consilio facias, et tunc post Factum non pœnitebit*;
 ‘ wherein he purposed to begin, also, with the Example
 ‘ of *Abashuerus*, *Qui interrogavit Sapientes, et illorum*
 ‘ *cauta faciebat Consilia*. In which Consultation, he
 ‘ declared to the King, Lords and Commons, that if
 ‘ they would observe the Laws of God, they might
 ‘ then assure themselves to find Peace at Home, and
 ‘ Victory Abroad.’

The Receivers of Petitions being appointed, the next
 Day the Commons came before the King and Lords,
 and presented Sir *John Tibetot* for their Speaker, who Sir John Tibe-
tot chosen
Speaker.
 excused himself on account of his Youth, and other
 Causes; but the King confirmed the Election. The
 very same Day the Commons, with the Assent of the
 Bishops and Lords, granted a Subsidy of one *Tenth* and
 one *Fifteenth*, to be levied on the Laity for one Year;
 and, besides, they gave to the King, in other Matters,
 the same that was granted in the last Parliament.

M. Rapin makes a fine Flourish here (*d*), ‘ That *Henry*
 ‘ was denied an Aid of Money in this Parliament, and
 ‘ was flatly told there was no visible Occasion for it :
 ‘ That the King was extremely offended at this De-
 ‘ nial; but, however, durst not shew his Resentment,
 ‘ for fear of exasperating them: Mean while, he de-
 ‘ vised an Expedient, which procured him what he
 ‘ wanted. This was to keep the Parliament assembled,
 ‘ till they should, of their own accord, be brought to
 ‘ grant his Demand. So, without any fresh Applica-
 ‘ tion he continued the Session, till the End of *August*.
 ‘ This, adds he, was very inconvenient to the Mem-
 ‘ bers, who had Business at Home, and withal very
 ‘ expensive to the People who were to bear their
 ‘ Charges. At length the Commons, impatient of
 ‘ returning

King Henry IV. ‘ returning to their Homes, voted him a Subsidy, not
 ‘ without loud Murmurs at the Constraint laid upon
 ‘ them.’

A Mistake of
 Mr Rapin

Thus, do some Historians set off their Labours in glaring Colours and pompous Expressions, in order to take the Eye, and divert the Ear of their Readers! There happens to be little or no Truth in all this Parade of Words, which our *Frenchman* gives us; for there was no Demur at all in the Parliament’s granting an Aid. On the contrary, it was given much sooner than ordinary, and in a very unusual way; being granted on the very same Day the Commons presented their Speaker, or the second Day of the Session. It is true, indeed, this Parliament was continued by Prorogation for a much longer Time than *Rapin* speaks of; but it was not for the Reason he mentions, but, as it will appear in the Sequel, on a quite different Occasion.

If *Walsingham* lead him into this Mistake, as his Marginal Note seems to infer, *Cotton’s Abridgement*, which is also quoted in the same Place, would have set him right again, if he would have taken the Trouble to consult it.

It was not till *March* 23d, that the Commons came before the King again, when Sir *John Tibetot*, their Speaker, made the common Protestation, and requir’d a Confirmation of all their Liberties and Privileges, and that they might at any Time send for any of their Bills from the Lords, for Amendment of the same; which was granted. The same Day the said Speaker, before the King, made several *Memorandums* for good Government, namely, for confirming all their Liberties, for safe keeping of the Sea, and for providing for the Defence of *Guienne*, which was in Danger to be lost.

The Speaker
 proposes several
 Regulations in
 the Government.

On the 3d of *April*, the Speaker required of the King, that the following Regulations might be enter’d on Record, viz.

‘ That for the better resisting of the *Welch* Rebels,
 ‘ the Prince might reside in *Wales*, and have sufficient
 ‘ Power given him, by Commission, for that Purpose.’

‘ That no Heritages, conquered from the *Welch*, be
 ‘ given away till one Quarter of a Year after.’ The

King

King answered, ' That he would not grant any with- King Henry IV.
' out Advice.'

' That the Time for banishing all *Frenchmen* and
' *Bretons* out of the Realm, be appointed.' It was an-
swered, ' It shall with all convenient Speed.'

' That it would please the King to excuse the Com-
' mons, in that it had been reported, they had talked
' of the King's Person, otherwise than befeemed them,
' which was untrue.' The King answered, ' He be-
' lieved the same.'

Then a Committee of both Houses was appointed,
to treat about the Safeguard of the Sea, who agreed
upon the Articles following :

' I. That the Merchants, Mariners, and Owners of
' *English* Ships, shall find and provide sufficient and
' able Ships for 2000 Fighting Men, and 1000 Sea-
' men, for a Year and a half. To answer which Ex-
' pence they shall have allow'd, upon Account, 12 *d.*
' in the Pound on Merchandize, and 3 *s.* 5 *d.*
' upon every Tun of Wine ; with the fourth Part of
' the Subsidy on Wools, Wool-fells, and Skins, grant-
' ed in the last Parliament ; and that the Merchants, in
' levying the said Sums, should have Warrants under
' the Privy Seal as oft as there was Occasion.

' II. That the Merchants shall enjoy all such Prizes
' as they shall take, having due Consideration for the
' King's Captains when he shall appoint any.

' III. That if the Royal Navy of the Enemy shall
' happen to be at Sea, and the King make out against
' them, then the Merchants aforesaid shall have one
' Month's Notice to provide.

' IV. The Merchants aforesaid shall have reasona-
' ble Warning of any Peace or Truce to be made ; af-
' ter which they shall have due Consideration for all
' their Charges.

' V. That the Merchants name two Persons, one
' for the South and the other for the North, who, by
' Commission, shall have the same Power as other Ad-
' mirals have had on the like Occasion.

' Lastly, the Merchants demanded 4000 *l.* for the
' present, but the Answer was, the King had it not (*e*).

The

(*e*) The King's Writ to the Mayor and Sheriffs of London, with a full
Account

King Henry IV.

The same Day the King, for certain weighty Reasons, as the Record expresseth it, adjourned the said Parliament, from that Day, unto the *Quindene* of *Easter*, next ensuing, to be holden at the said Place, at *Westminster*; and licensed the Lords and Commons to depart for that Time.

The Day appointed was the 25th of *April*, that Year; when, because the Archbishop of *Canterbury*, with several other Bishops and Lords, were not yet come, the Parliament was again adjourned for four Days more. At the Meeting, the Speaker of the Commons prayed the King, that, under his Protection, he might be allowed as great a Liberty of Speech, as any of his Predecessors ever had, which was granted. They then requested the King to appoint certain Persons, by Name, to be of his Council; and that by Authority of Parliament. They required, that Provision should be made for the great Dearth at *Calais*; that all Captains beyond the Seas be commanded to repair speedily to their Forts and Ports, as the Earl of *Somerset* was about to go to *Calais*; and that *Richard Childero* one of the Admirals for the Sea, might be ordered to go thither; all which the King granted.

The Crown entailed by Act of Parliament.

Some more private Affairs next follow in the Record, which we chuse to omit. This Parliament continued sitting till the 7th of *June*, when the famous Act was passed for entailing the Crown of *England*, with all the Hereditaments and Rights whatsoever, on the present King, and the Heirs *Male* of his Body, lawfully begotten. In like manner, it was entailed on the Prince of *Wales*, and, for default of his Issue, on the Lords *Thomas*, *John* and *Humphrey* successively (*f*). But our *Abridger* remarks, that the Conveyance is crossed on the Record; and on the Margin of it is wrote *VACAT*; yet this Conveyance, he adds, was exemplified under the Great Seal, at that Time.

We

Account of this Agreement of the Merchants, is in the *Public Acts*. The like Writs are directed to the Chief Officers of all the Cities and great Towns in *England*. *Teste Rege apud Westmonasterium sexto Die Aprilis. Fæd. Ang. Tom. VIII. P. 437.*

There is another Instrument in the said *Public Acts* under this Title;
De Admirallo constituto per Mercatores Regi nominato. Ibid. P. 439.

(*f*) *John* the third Son is omitted, by Mistake in *Cotton*.

We shall make no Remarks of our own on this extraordinary Act of Parliament, for settling the Succession, and limiting of it to the *Heirs Male* only; though we have not met, in the Course of these Enquiries, with an Act of this Nature. We shall only say, that the Exclusion of the *Females*, from succeeding, of any Line, whatsoever, was a tacit Disinheritance of the House of *York*; who, as the Reader will find in the Sequel, claimed, only, from that Source.

The Commons required, 'That certain Persons may be appointed Auditors, to take and examine the Accounts of the Lord *Furnival*, and Sir *John Pelham*, made Treasurers of War in the last Parliament.' They required also, 'That three Parts of the Subsidy granted to the Merchants for keeping the Sea, be paid to them; and that the fourth shall only be employed for the Defence of the Realm. That all Aliens may avoid the Kingdom, except those that are made Denizens, or Men of the Church, impotent Persons, or *Dutchmen*. That all Lands and other Profits, let out for Life, or Years by the King, or his Progenitors, may be improved to greater Value. Lastly, that all the Revenues and Profits of the Realm, granted since the Beginning of the Parliament, may be resumed into the King's Hands, and reserved for the Maintenance of his House; and that all the exorbitant Charges of the Household be speedily retrenched.'

On the 19th of *June*, the King, again, adjourned this Parliament from that Day to the *Quindene* of St. *Michael*, or the 15th of *October* following.

On which Day the Parliament being again assembled, was farther adjourned for four Days more, to give Time for some Lords and Commons yet to come up. And it was not till *November* 17th, that Sir *John Tiptot*, Speaker of the Commons, came before the King, and required a Confirmation of his first Protest, which was granted. And, upon a Motion of the said Speaker, the King charged both Lords and Commons, on their Allegiance, that they should, particularly, enquire concerning any evil Government, and prevent it for the future. The same Day the Speaker required that the Castle of *Manlion*, which was the Key of the
three

King Henry IV.

King Henry IV. three Kingdoms, and which was kept by Sir *Charles de Navarr*, a Foreigner, might be kept by *Englishmen* only. ‘ That all Fines and Ransoms of the *Welch-men* may be employed in those Wars. That the Prince may be sent into *Wales* with all Speed, considering the Rebellion of the Earl of *Northumberland* and others (*f*). That certain Castles might be kept as Hostages for the Earl of *Douglass*; and that the other *Scotch* Prisoners should not be slightly given up, considering, as they said, that they were the Flower of all *Scotland*.’

In this Session of the same Parliament, the Conveyance or Act of Settlement, mentioned before, was repealed, and another Act was made upon it, whereby the Crown is entailed upon the King and his Sons, in general Tail, &c.

Mr Rapin's Remarks on that Settlement.

Mr *Rapin* has bestowed a great deal of Historical Learning on the passing and repealing of the last, and making this new Act of Settlement; wherein the Arguments *pro & con*, about the Right of Females succeeding to the Crown of *England*, is learnedly discussed (*g*). We shall refer our Readers to that Author for the whole of the Arguments on the Question, and content ourselves with making some Observations from him, on the Statute before us (*h*). He says, ‘ That when *Henry IV.* mounted the Throne, he pretended to be the next Heir of *Richard II.* by which he seemed to make no Account of the Earl of *March's* Right, descended, only, from a Daughter (*i*). And, indeed, supposing the Invalidity of the Female Right, it could not be denied, but that he was nearer than the Earl of *March*, who was set up against him. But this pretended Invalidity was a Point not decided; for the People were generally of Opinion, that Daughters had a Right to the Succession, since, without its being necessary to alledge Examples or Precedents in their Favour, it was sufficient that there was

(*f*) The Earl of *Northumberland* had revolted again, but had been forced to fly, with the Lord *Bardolf*, into *Scotland* for Protection. Being betrayed there, they fled into *Wales*, and joining with *Owen Glendour*, were then become formidable.

(*g*) *RAPIN, Fol. Ed. P. 498.*

(*h*) *Statutes at Large, An. 7. Hen. IV. Cap. 2.*

(*i*) See Vol. 1. P. 387. and in this Volume, P. 2.

‘ was no Law to exclude them. Upon this Founda-
 ‘ tion the late Rebellion was raised, as appeared by the
 ‘ Manifesto the Rebels published. It is therefore very
 ‘ likely, that, to remove this Pretence from the Male-
 ‘ contents, *Henry* would have had this Point settled by
 ‘ an Act, which in excluding the Daughters, and their
 ‘ Issue, seemed to insinuate the reigning King ascend-
 ‘ ed the Throne, pursuant to the customary Laws of
 ‘ the Realm. But this Act, which, says our Author,
 ‘ was extorted the same way as the Subsidy, lasted but
 ‘ till the End of the Year. The next Parliament,
 ‘ [*still mistaking, for it was all the same*] made such
 ‘ strong Remonstrances to the King, that he consented
 ‘ to the Repeal. This Parliament, not satisfied with
 ‘ leaving the Right of the Daughters in its former
 ‘ doubtful State, passed a new Act, whereby the Fe-
 ‘ males and their Posterity were established in their na-
 ‘ tural Rights. Our Author concludes with observing,
 ‘ that the Precaution taken by the King to secure his
 ‘ Right in the first Act, was extremely prejudicial to his
 ‘ Posterity. He thereby gave Occasion for the second,
 ‘ which strengthened the Title of the Earl of *March*;
 ‘ and, consequently of the House of *York*, who became
 ‘ Heirs to that Prince.’

We shall make no Apology for inserting this long
 Quotation, from an Author of such Eminence in Hi-
 story; and, where he is right in his Points, shall al-
 ways give him his due Praise. A Matter of that great
 Moment, as the Succession to the Crown of *England*,
 settled by Act of Parliament, must not be slightly
 pass’d over, in these Enquiries. We shall, therefore,
 give our Readers an Abstract of the Statute itself, as it
 is published in the *Collection of Public Acts*, translated
 from the *Latin*; which, with the Names of the Bi-
 shops, Abbots, and Lords, &c. who signed the said
 Act, may serve to conclude our Account of this extra-
 ordinary Proceeding (1).

The foregoing
 Settlement re-
 peal’d, and an
 Act for fixing the
 Crown in Gene-
 ral Tail.

HENRY, by the Grace of God, &c.

It begins with a Recital of the Act made last Session
 of Parliament for settling the Succession on the Male
 G Line,

(1) *Fœd. Anglic.* Tom, VIII. P. 462, 463, 464.

King Henry IV. Line, only, as aforesaid. Then adds, *Nevertheless, because the Prelates, Lords, Clergy and the whole Community of England, considering, that the said Statute, by excluding the Female Line, too much contracted the Right of Succession, which they rather sought to enlarge; they unanimously petitioned us, with more than ordinary Zeal, to annul and make void the said Statute, and to pass an Act for settling the Right of Succession in Henry, my Son, and Heir, and the rest of my Sons, and their Children, lawfully begotten, successively.*

We, therefore, judging the said Request to be consonant to Right, do annul and make void the said former Statute; and, with the Consent and by the Authority of the said Prelates, Lords, &c. in Parliament assembled, do ordain, establish, &c. the said Henry our First-born Son, our true, lawful, and undoubted Heir, and universal Successor, to our Crowns and Kingdoms of England and France, and to all our Dominions beyond the Sea whatsoever; with all their Rights, Appurtenances, Privileges, &c. belonging thereto; and after him, successively, to the Heirs of his Body lawfully begotten for ever.

For Failure of this, in like Manner the Settlement establishes it on *Thomas* the King's second Son, and his Heirs; &c. then to *John* and *Humphrey* his third and fourth succeeding.

PROVIDED, *That by this Statute or Ordinance, we intend not to change or alter the Succession to the Rights, Possessions, Honours and Customs, with all other Appurtenances, belonging to the Duchy of Lancaster; but that the said Rights, &c. may remain as they have been accustomed, this or any other Statute made in this Parliament, notwithstanding.*

In Testimony of which not only our Seal, but the Seals of all the Lords Spiritual and Temporal aforesaid, for themselves, the Clergy and Community aforesaid, are put to these Presents.

Which is subscribed by the Lords;

BISHOPS.	Nicholas, Bishop of London.
Thomas, Archbishop of Henry, of Winchester.	
Canterbury, Primate of John, of Ely.	
England.	Thomas, of Durham.
	Robert,

Robert, Bishop of Chichester. The Prior of Coventry ; King Henry IV.
 Richard, of Salisbury. And
 Guy, of St. David's. Walter, Prior of the Hospi-
 John, of Coventry and Litch- pital of St. John of Je-
 field. rusalem, in England.

Richard, of Worcester.
 Richard, of Bath and Wells.
 Robert, of Hereford.
 Philip, of Lincoln.
 Thomas, of Landaff; and
 William, of Carlisle.

DUKES.
 Edmund, Duke of York.
 John, of Somerset.
 Edmund, of Kent.

The Guardians of the Spi-
 ritualities belonging to
 the Archbishoprick of
 York, and to the Bi-
 shopricks of Norwich and
 Rochester.

EARLS.
 Thomas, Earl of Arundel.
 Richard, of Warwick.
 Edward, of Devonshire.
 Michael, of Suffolk.
 Richard, of Oxford; and,
 Ralph, of Westmoreland.

The ABBOTS of
 Westminster.

St. Albans.
 Waltham.
 Peterborough.
 St. John, in Colchester.
 St. Edmund's Bury.
 Abyndon.
 St. Mary's, York.
 Croyland.
 Bardoney.
 St. Bennet, of Hulm.
 Glastenbury.
 Malmesbury.
 Redyng.
 Thorney.
 Selby.
 Battel.
 Cirencester.
 St. Peter's, Gloucester.
 Evesham.
 Ramesey.
 Hyde, near Winchester.
 Winchecumbe.

BARONS.
 William, Lord Roos.
 Richard, Lord Grey of Co-
 denore.
 Henry, Lord Beaumont.
 Reginald, Lord Grey, of
 Ruthyn.
 William, Lord Ferrers.
 Thomas, Lord Furnival.
 William, Lord Willoughby.
 Hugh, Lord Burnel.
 William, Lord Clynton.
 Thomas, Lord Morley.
 John, Lord Darcey.
 John, Lord Lovel.
 Barth. Lord Bourghchier.
 Gilbert, Lord Talbot.
 William, Lord Zouch.
 Thomas, Lord Camois.
 Richard, Lord Seymour.
 Henry, Lord Fitz-Hugh.
 Henry, Lord Scrope, of
 Masbam.

King Henry IV.	<i>John, Lord Welles.</i>	<i>Ralph, Lord Cromwell.</i>
	<i>John, Lord Cobham.</i>	<i>Ralph, Lord Greystock.</i>
	<i>Peter, Lord Mauley.</i>	<i>William, Lord Bergavenny.</i>
	<i>John, Lord Latymere.</i>	<i>John, Lord Touchett.</i>
	<i>Edward, Lord Charlton,</i>	<i>Robert, Lord Ponynge.</i>
	<i>of Powys.</i>	<i>John, Lord Harrington ;</i>
	<i>Thomas, Lord De la War.</i>	<i>And.</i>
	<i>Thomas, Lord Berkeley.</i>	<i>Richard, Lord Strange.</i>

And by the Speaker, on Behalf of the Commons.

Also Sir *John Tibetot*, Knight, *Speaker of the House of Commons*, in this Parliament, in his own and in the Name of the whole Body, gave his Assent to all the aforesaid Articles. Lastly, The King, with all the rest, swore to keep all the said Premises inviolably.

Dated in this present Parliament, within our Palace at Westminster, December 2, Anno Dom. 1406, in the Eighth Year of our Reign.

Sir *Robert Cotton*, or rather his Publisher, Mr. *Prynne*, makes the following Remark on the Proceedings of the Clergy in this Parliament, which we shall give *verbatim*.

‘ At this Time the Clergy suborned *Henry Prince of Wales*, for and in the Name of the Bishops and Lords ; and Sir *John Tibetote*, the Speaker, for and in the Name of the Commons ; to exhibit a long and bloody Bill against certain Men called *Lollards*, namely against those that preached or taught any Thing against the Temporal Livings of the Clergy. Other Points touching *Lollardy*, I read none ; only, this is to be marked for their better Expedition in this Exploit, they joined Prophecies touching the King’s Estate, and such as whispered and bruited that King *Richard* was still living ; all which they inserted, to the End that by such Subtilty they might better gain their Ends against the poor *Lollards* aforesaid. Wherein, note a most unlawful and monstrous Tyranny ; for the Request of the said Bill was, that every Officer, or other Minister whatsoever, might enquire after, or apprehend such *Lollards*, without any other Commission, and that no *Sanctuary* should protect them.’

But

But it will not be amiss to give the Reader an Abstract of this Bill, which Mr. *Fuller*, in his Church History, says, he carefully took from the Records in the Tower.

To our most redoubted and gracious Sovereign, the
KING (m).

‘ Your humble Son, *Henry* Prince of *Wales*, and the Lords Spiritual and Temporal in this present Parliament, humbly shew, That the Church of *England* hath been, and now is, endow’d with Temporal Possessions, by the Gifts and Grants, as well of your Royal Progenitors, as by the Ancestors of the said Lords Temporal, to maintain Divine Service, keep Hospitality, &c. to the Honour of God, and the Soul’s Health of your Progenitors, and the said Lords Temporal.

The Lords Address against the Lollards.

‘ Yet, now of late, some, at the Instigation of the Enemy, against the aforesaid Church and Prelates, have, as well in public Sermons, as in Conventicles and secret Places called Schools, stirr’d and moved the People of your Kingdom to take away the said Temporal Possessions from the said Prelates, with which they are as rightly endow’d, as it hath been, or might be, best advised or imagined by the Laws and Customs of your Kingdom; and of which they are as surely possess’d, as the Lords Temporal are of their Inheritances.

‘ Wherefore, in case that this evil Purpose be not resisted by your Royal Majesty, it is very likely, that in Process of Time they will also excite the People of your Kingdom for to take away from the said Lords Temporal their Possessions and Heritages, so to make them common to the open Commotion of your People.

‘ There be also others who publish, and cause to be published, evilly and falsely, among the People of your Kingdom, That *Richard*, late King of *England*, (who is gone to God, and on whose Soul God through his Grace have Mercy) is still alive. And some have writ and published divers false pretended Pro-

G 3

‘ phecies

King Henry IV. ‘ pheties to the People ; disturbing them who would,
 ‘ to their Power, live peaceably, serve God, and faith-
 ‘ fully submit and obey you their Liege Lord.

‘ Wherefore, may it please your Royal Majesty, in
 ‘ Maintenance of the Honour of God, Conservation
 ‘ of the Laws of Holy Church, as also in Preservation
 ‘ of you, your Children, and the Lords aforesaid, and
 ‘ for the Quiet of all your Kingdom, to ordain by a
 ‘ Statute in the present Parliament, by the Assent of
 ‘ the Lords aforesaid, and the Commons of your King-
 ‘ dom, That in case any Man or Woman, of what
 ‘ Estate or Condition they be, preach, publish, or main-
 ‘ tain, hold, use, or exercise, any Schools ; if any Sect
 ‘ or Doctrine hereafter against the Catholick Faith,
 ‘ either preach, publish, maintain, or write a Schedule,
 ‘ whereby the People may be moved to take away the
 ‘ Temporal Possessions of the aforesaid Prelates ; or
 ‘ preach and publish, That *Richard* late King, who is
 ‘ dead, should still be in full Life ; or that the *Fool in*
 ‘ *Scotland*, is that King *Richard* who is dead ; or that
 ‘ publish or write any pretended Prophecies to the Com-
 ‘ motion of your People ;

‘ That they, and every of them, be taken, and put
 ‘ in Prison, without being deliver’d in Bail, or other-
 ‘ wise, except by good and sufficient Mainprize, to be
 ‘ taken before the Chancellor of *England*, &c.

At the Petition of *Thomas Lord Furnival*, and Sir
John Pelham Knight, Treasurers of War as aforesaid,
 it was agreed, that certain Auditors assigned in this Par-
 liament to take their Accounts, should make due Al-
 lowance to them ; and that they, their Heirs and Land-
 Tenants, should be clearly discharged from the said
 Account.

The Speaker of the House of Commons came again
 before the King and Lords, and required, in the Name
 of that Body, that all the Lords of Council might be
 sworn to observe certain Articles, which they had
 drawn up, for the better Regulation of the publick Af-
 fairs of the Kingdom. The Archbishop of *Canterbury*,
 for himself and others, refused to swear to them, but
 offered to do what they could towards their Observance.

Upon

Upon this the King charged the said Archbishop, with King Henry IV. the rest, on their Allegiance, to take the Oath, which accordingly they did; and further, the King caused all the Officers of his Household, and of all his Courts of Justice, to be sworn to fulfil the said Oath. The Articles were these:

‘ I. That worthy Councillors and Officers be ap- Articles for the
‘ pointed, and not to be removed without good Proof Regulation of
‘ of their ill Management. II. That no due Grants be the Government,
‘ stayed at the Great or Privy Seal. III. That none presented by the
‘ about the King’s Person do pursue any Suit or Quar- Speaker, and
‘ rel, by any other Means than by Order of the Com- sworn to by the
‘ mon Law. IV. That no Officer be appointed by King’s Council.
‘ any Mediation contrary to the Laws. V. That
‘ Order be taken for the Governance of the King’s
‘ House, Chamber and Wardrobe. VI. That the Re-
‘ venues and Profits of the Crown and Realm be em-
‘ ployed towards the Charges next aforesaid. VII.
‘ That no Person, under a Penalty, do receive, or take
‘ by way of Gift any of the Profits aforesaid. VIII.
‘ That two certain Days in the Week be appointed for
‘ all Suitors to exhibit their Petitions to the King; and
‘ that some Persons may be, also, appointed to receive
‘ and give Answers to the same. IX. That no Man,
‘ whatsoever, do prefer any Bill or Suit to the King on
‘ any other Days. X. That none of the Council hold
‘ Pleas of any Matter determinable, at Common Law.
‘ XI. That all Statutes touching Buyers and Purvey-
‘ ors may be executed. XII. That no one of the
‘ King’s Council shall give Encouragement to any
‘ Suitor, before Determination had in full Council.
‘ XIII. That no Matters of Council may be dispatched,
‘ but by full Assent, unless the same require great
‘ haste; in which Cases Word shall be sent to such
‘ Counsellors as are absent, to the End that their Advice
‘ may be known. The XIV, XV, XVI, XVII,
‘ XVIII, and XIX Articles, ordain, That none of
‘ the King’s higher Officers, or other Under-Officers,
‘ or Clerks, of any of his Courts, or of his Household,
‘ shall take any but their accustomed Fees, or appoint
‘ any Minister under them to do the same. XX.
‘ That the Queen do pay for her Journey to the
‘ King’s

King Henry IV. ‘ King’s Houses, as Queen *Philippa* lately did. XXI.
 ‘ That none of the Officers of the *Marshalsea*’s of the
 ‘ King’s House, or Clerk of the Market, do hold any
 ‘ Plea otherwise than in the Time of *Edward* the First.
 ‘ XXII. That all the Sheriffs before the Election of
 ‘ Knights of the Shire, shall by open Proclamation in
 ‘ their several Counties, give fifteen Days Respite to
 ‘ the Time and Place. XXIII. That all the King’s
 ‘ great Officers of every Court, and of his Household,
 ‘ shall maintain the Common Laws. XXIV. That
 ‘ all Foreigners who are not Denizens do make Fines,
 ‘ by a Day, with the King. XXV. That the Ste-
 ‘ ward of the King’s House, with the Treasurer, have
 ‘ full Power to discharge the Serjeants and other Offi-
 ‘ cers, for their Misdemeanors. XXVI. That the
 ‘ said Officers, and Chamberlain of the Household, do
 ‘ execute their Trusts according to the Statutes of the
 ‘ King’s House. XXVII. That no Judicial Officer,
 ‘ or other Minister within the King’s House, or in any
 ‘ of his Courts, enjoy any of the said Offices, but at
 ‘ Will. XXVIII. That all the Chief Officers of the
 ‘ King’s House and Courts, do make, yearly, strict
 ‘ Enquiries of all Misdemeanors and Misprisions done
 ‘ under them, and make Report thereof to the King’s
 ‘ Council. XXIX. That the Array of the special
 ‘ Assize challenged, be tryed, at large, as in general
 ‘ Assizes; and that the Sheriff do take nothing for
 ‘ any Pannel between Party and Party. Lastly, That
 ‘ all the Articles, aforesaid, shall only continue to
 ‘ the End of the next Parliament.’

Whoever considers well the foregoing Articles, deli-
 ver’d by the Speaker, will find that there is scarce a
 trifling one amongst them; which evidently shews,
 That the Commons of *England* were neither Fools nor
 Knaves in those Days. Nor was the King less obli-
 ging and condescending, on his Part, than the Com-
 mons had been resolute and presumptive on theirs;
 not only suffering the said Articles, which struck suffi-
 ciently at his Prerogative, to pass into a Law, though
 but a temporary one; but also, compelling the Arch-
 bishop with the rest of the Council, &c. to swear to
 the

the Observance of them. Which also, demonstrates King Henry IV. that, whatever indirect Steps *Henry* took to acquire the Diadem, he was resolved to keep it; and is a strong Instance that the best Laws for the Subject, have been often gained under the weakest Titles of our Kings.

Rapin remarks, that as the King's Design in this Parliament was to demand Money, he readily gave his Assent to secure the Freedom of Elections; by which, adds he, it is evident that the King had done something in the Elections for the last Parliament, tending to abridge the Liberty of Voting (*n*). This Act is still extant in our Statute-Books, by which it was enacted, ' That at the next County-Court after the Delivery ' of the Writ of Parliament, all there present, as well ' Suitors summoned for the same Cause, as others, shall ' attend to the Election of the Knights for the Parli- ' liament, and in the full County they shall proceed to ' Election freely and indifferently, *notwithstanding any* ' *Request or Commandment to the contrary.* And, af- ' ter they are chosen, their Names shall be written in ' an Indenture, under the Seals of all those that did ' chuse them, and tack'd to the Writ of Parliament; ' which Indenture shall be holden for the Sheriff's Re- ' turn of the said Writ (*o*). ' This Method seems, with some little Variation, to be the Manner of chusing at this Time.

There are many more Petitions, Answers, &c. in the *Abridger's* Account of the Proceedings of this Parliament, which, because they are on lesser Affairs, or private Property, are omitted. It is observable however, how anxious the Commons were that all these Matters should be carefully recorded; for at their own Request it was enacted, that certain Members of their House should be present at the engrossing the Roll of this Parliament.

The King, to shew his Generosity and Gratitude to Sir *John Tibetot*, the young Speaker of the House of Commons, granted to him, in Fee, all the Lands and Hereditaments of *Richard ap Griffith ap Voethus*, in the Counties

Act relating to County-Elections.

Ample Grants made by the King to Sir John Tibetot the Speaker.

(*n*) RAPIN, *Fol. Edit.* P. 498.

(*o*) *Statutes at la ge*, An. 7. Hen. IV. Cap. xv.

King Henry IV. Counties of *Carmarthen* and *Cardigan*, and elsewhere, in the Principality of *South Wales*, forfeited to the King by his being an Adherent to *Owen Glendour*, Rebel and Traitor ; and, also, the Office of Keeper of the Forests of *Waybridge* and *Sapley* in the County of *Huntington*, without any Fee or Out-Payment. And, further, the King gave to the said Sir *John* the Goods and Chattels of *Peter Prifwick*, Carpenter, a Felon, amounting to one hundred and fifty Pounds ; all which must be allowed a truly Royal Donation (p).

Mr *Prynne* makes an Observation again at the End of this last Session of Parliament, to this Purpose, ‘ That the Commons young Speaker took more upon him, and spoke more boldly and fervently to the King and Lords, than any Speaker had done before him. Which Innovation, beginning to grow in Fashion, the King and Lords thought proper, in a succeeding Parliament, to put a Check upon, as a Novelty inconsistent with the King’s Prerogative. That the Speakers afterwards, became more modest, and did not say any Thing that was displeasing to the King ; or, if they casually did, to *pray that it might be imputed, only, to their Ignorance, and not unto the Commons.*’ It is further remarkable, that this is the longest Parliament we have yet met with ; for, tho’ it is not expressly said when it was dissolved, yet we may well suppose, by the three Prorogations, that it continued near a Year ; which was an Innovation, in the ancient Constitution, taken Notice of by several Historians as a great Blot in this Reign. *Hollingshead*, in particular, says, that the long Continuance of this Parliament was a great Loss and Damage to the Commonalty ; for the Expences of their Representatives was, almost, equal, in Value, to the Sum that was demanded for the Subsidy (q).

On the 20th of *October*, in the succeeding Year,
another

(p) He was afterwards made Earl of *Worcester*. DUGDALE’S *Baronage*.

(q) *Hollingshead’s Chron.* P. 531.

J. Stowe writes, that the Foreign Servants, which came with the Queen out of *Bretagne*, were by this Parliament banished the Realm ; as, also, two of her Daughters, which she had by her former Husband, *John de Mountford*, Duke of *Bretagne*. P. 333.

another Parliament met, by Summons, at *Glocester*; King Henry IV. but, upon calling over the House of Commons, several Defaulters being found, it was put off for four Days longer. On that Day the Archbishop of *Canterbury*, Anno Regni, 9. 1407. *Arundel*, still Lord Chancellor, opened the Session and the Cause of the Meeting, with a Speech, and took At Gloucester. this Text for his Subject, *Regem honorificate*.

In which, he endeavoured to prove, ‘ That for three
 ‘ especial Causes the King ought to be honoured.
 ‘ *First*, For that the King, by maintaining the Liber-
 ‘ ty of Holy Church, honoured God, and therefore
 ‘ ought himself to be honoured. *Secondly*, He ought
 ‘ to be honoured for his great Care towards his Sub-
 ‘ jects, as well in the Observation of the Laws, as in
 ‘ his Defence of them against Foreign Enemies. And,
 ‘ *Thirdly*, Because that, ever since his Coronation, he
 ‘ had shewn Favour and Pardon to all that asked
 ‘ them. And added, that, as in Necessity, every
 ‘ Member of Man’s Body would seek Comfort from
 ‘ the Head, as the Chief; so he applied it to the ho-
 ‘ nouring of the King, who was the Head of the Con-
 ‘ stitution. He desired the House of Commons to
 ‘ choose a Speaker that Afternoon, and present him the
 ‘ next Day to the King; and lastly, he required them
 ‘ all to consider on proper Means to end the Rebelli-
 ‘ on in *Wales*; to take Care for the safe guarding of
 ‘ the Sea; for defending of *Guienne*, *Calais*, and *Ire-*
 ‘ *land*, and the Northern Marches, and how by their
 ‘ Aid the same might be best accomplished.’

The Chancellor having finished his Harangue, the Sir Thomas
 Receivers and Triers of Petitions were constituted; and Chaucer chosen
 the next Day the Commons presented Sir *Thomas Chau-* Speaker.
cer (r), for their Speaker, who, after Excuse for him-
 self and Confirmation, made the common Protestation,
 which was granted.

On the 9th of *November* the Commons came again
 before the King, where the said Speaker repeated his for-
 mer Protestation, and began to rehearse the Grant of the
 last Subsidies, and the Oaths of the Lords, and others,
 for the Disposition of the same. But the Chancellor
 interrupted him, and said, that no Accounts were yet
 made

(r) Son to that famous *English* Poet, *Geoffry Chaucer*. *Stowe*, P. 326.

King Henry IV. made for the Disbursements of the same to the Commons ; and that the Lords, having little Thanks for the last, would by no Means take the like Oath again ; which the King, at his Request, excused them from (s). Then the said Speaker made great Complaints against Purveyors ; to which the Steward and Treasurer of the King's House answered, ' That the same should be remedied'.

His Complaint of Grievances. *November 14*, Upon the Coming of the Commons before the King and Lords, the Speaker told them of the great Disadvantage the Nation suffered by not guarding the Sea ; and that those who had Lands on the Marches of *Wales* never dwelled thereon ; of which he desired that due Consideration might be taken, which was promised : And that certain Lords, by Name, might be appointed to confer with the Commons on these and other Matters. But, at the Request of the Merchants, made last Parliament, the King granted to *William Childero*, late Admiral of the South and West Seas, the Allowance of 2668 *l.* which was due to him, and that he be discharged of all Accounts.

The Commons return Thanks to the Prince for his Conduct in Wales. On the 21st of *November*, which was the last Day of this Parliament, the Speaker desired the King to give publick Thanks to the Prince of *Wales*, for his great Fatigue and good Conduct in *Wales* ; for which both the King and the Prince returned back their Complements to the Commons (t). After which the Prince, kneeling before the King, cleared the Duke of *York* from disloyal Reports spread against him, and in open Parliament averred him to be a true and loyal Knight. At the same Time, the Speaker moved the King to advance his Sons the Lords *Thomas*, *John*, and *Humphrey*, to some honourable Titles and Fortunes.

A Subsidy granted. The Lords and Commons on the same Day granted to the King one *Tenth* and a Half ; with the like Subsidy for Staple and other Merchandizes, as was granted in the last Parliament, for two Years. And, in Consideration of the Subsidies aforesaid, the King promised, that for two Years, next ensuing, he would require no other

(s) See before, P. 104.

(t) The Prince having the Command of an Army in *Wales*, had gained two Victories there ; in the latter of which the Son of *Owen Glendour* was taken Prisoner. *RAPIN, Fol. Edit. P. 496.*

other Subsidies or Charge on his Subjects ; and, for more King Henry IV. Assurance thereof, desired that this might pass into an Act, and that every Member might have a Copy of it.

It seems, by the Record, that the Lords and Commons did not agree so well, as formerly, in this Parliament ; for a Difference that happened between the two Houses about granting the Subsidy, gave Rise to the following Ordinance, viz.

‘ That in all future Parliaments, in the Absence of the King, it should be lawful as well to the Lords by themselves, as to the Commons by themselves, to debate of all Matters relating to the Realm, and of the Means to redress them ; without disclosing the same to the King before a Determination made thereof, and that to be done only by the Mouth of the Speaker. Which Ordinance was made, because Part of the aforesaid Displeasure arose on Account of the Lords making the King, several Times, privy to their Debates on the Subsidy, and brought Messages from him ; which the Commons said was absolutely against their Liberties.’

An Order to prevent the Lords from communicating the Commons private Debates to the King.

On the said last Day of this Parliament, the Speaker required, that the Commons might depart with as great Liberty as they had done heretofore ; and again recommended it to the King and Lords, that sufficient Means might be taken for guarding the Seas, and resisting the *Welch* Rebels (u).

It was not till two Years after the last, that another Parliament was called, which was to meet at *Westminster*, on the *Quindene* of *St Hilary*, or *January* the 18th, 1410, but they did not sit to do Business till nine Days after. When the Bishop of *Winchester*, the King's Brother, there being then no Chancellor, declared the Cause of the Summons to be for the Preservation of the Church's Liberties, &c. and then took for

Anno Regni, 17.
1410.
At Westminster.

(u) Some more Strokes were made at the Court of *Rome* this Parliament, on the Score of Provisions, &c. Statutes at Large, An. 9. Hen. IV. Cap. viii.

This Year *Henry Percy*, Earl of *Northumberland*, raised Forces, and enter'd *Yorkshire*, but was overthrown by the Sheriff of that County, and himself slain. This was the End of the Father, Son, and Brother, descended from one of the noblest Races that came from *Normandy* into *England*. BIONDI'S *History of the Wars between the Houses of York and Lancaster* ; P. 85.

King Henry IV. for his Subject, *Decet nos implere omnem Justitiam*, on which he discanted to this Purport ;

‘ That this Parliament was summoned for two Causes ; the first for the inward Governance of the Realm, as in the due Observance of the Laws ; the second for outward Governance, as in a proper Defence against a Foreign Enemy ; and in this he touched upon the Duke of *Burgundy*, then Governor of *France*, who he said meant to besiege *Calais*, with a great Army, and then to conquer this Kingdom.’

He told them, amongst other Matters, ‘ That there were two Kinds of Government, the *Jus Regiminis*, and *Jus Subjectionis* ; allowing the first to be better, according to the Answer of *Aristotle* to King *Alexander*, who, being asked in what Manner the said King might strongest fortify the Walls of a new Fortress, or Frontier Town, which he had built ; answered, that the strongest Walls were the hearty Good-Will of his Subjects, and Obedience to the Laws.’

He said, ‘ That all true Subjects owe to their Sovereign three chief Points, *viz.* Honour and Obedience, Reverence and Benevolence, and hearty Assistance. And, because the present Necessity requir’d ready Assistance, and speedy Dispatch, the King had called this Assembly for a full Consultation ; which he wished might redound to the Glory of God, the Honour of the King, and the Safety of the whole Realm. For which good End he willed the Commons to go to an Election of their Speaker, and present him the next Day to the King.’

Sir Thomas
Chaucer again
chosen Speaker.

On the 28th of *January*, the Commons presented Sir *Thomas Chaucer*, again, for their Speaker, who, making the common Protestation, the King, by his own Mouth, allowed of it ; but added, ‘ That since now the Lords and Commons were come to an Agreement, he expected that they, the Commons, would speak no unbecoming Words, or attempt any Thing that was not consistent with Decency.’

Feb. the 7th, at the Request of the Commons the Assizes were prorogued, by the King, during the Sitting

ting of Parliament. But nothing more is said of their King Henry IV. Proceedings 'till the 15th of *March*, which, being at that Time in *Palm-Sunday* Week, at the Desire of the Commons, the Parliament was adjourn'd to the *Quintene* of *Easter* next following.

At that Day, being *April* the 7th, the Parliament reassembled, when the King granted, that certain of the most learned Bishops, and worthy Lords, should be assigned to be of his Council; and that they and all the Judges should be sworn to give good Counsel and upright Judgment.

It was enacted, that all such as had Castles and Towns in the Marshes of *Scotland*, should furnish them with Necessaries, and keep Guard there in proper Person. The same Order was taken for the Castles and Towns in *Wales*. Also, that the Revenues of the King's Dominions beyond Sea should for three Years be employed on the Soldiers there; and that no Officer there, who is immediately accountable to the King, shall enjoy the same during Life.

Several Acts pass'd for the Security of the Kingdom.

It was also enacted, that three Parts of the Subsidy on Wools shall be employed upon the Defence of *Calais*, the Castle there, the new Tower on *Rochbank*, and on the Marshes of *Calais*, and for the Payment of certain Debts there. That such Subsidies as should be granted this Parliament should be employed according to the Grant, and not otherwise. And, on a Remonstrance from the Commons, the King ordered that all Foreigners who are come into the Realm, except Merchants, shall make Protestation to live and die in the King's Quarrel; shall serve in the Wars if they are able; and shall not be lodged but in *Englishmen's* Houses. Also, that none of them shall be Brokers, and that no Broker shall be a Merchant to his own Use.

On the 2d of *May*, upon the earnest Request of the Commons, such Lords as were before appointed to be of the King's Council, were again declared; all of whom, with the Judges, were then sworn to do Justice; except the Prince of *Wales*, who, for his *Worthiness*, as is there expressed, was excused that Ceremony.

The great Respect paid by Parliament to Henry Prince of Wales.

The Reader may observe, that there are several Passages

King Henry IV. sages in the Course of these Proceedings, which evidently shew what Respect the Commons in Parliament paid to this Prince of *Wales*, at that Time. This does not, by any Means, suit with the light Character which most Historians have given of this Prince in his younger Days. And, if he had been guilty of those Levities he is accused of, he would not have had, we may well suppose, so many Compliments paid him; nor have been made President of the Council, as he, certainly, then was: For, in an Ordinance, made this Parliament, where, if any of the King's Chief Officers or Judges, shall take any Bribe or Reward, he shall forfeit treble the Value to the King, it is wrote on the Margin of the Roll, *Respectuatur per Dominum Principem et Consilium*. It is, therefore, still more evident by this, what some Historians remark, that it was the King's Jealousy of his Son's growing Greatness and Popularity, and his Neglect of him for that Reason, which threw the Prince on the dissolute Courses which are laid to his Charge.

The Commons
pray a Mitigation
of the Act against
the Lollards;

In this Parliament, there was some Relaxation demanded of the late severe Act against *Lollards* and Hereticks; for now it was requested by the Commons, 'That all such Persons as should be arrested by Force of the Statute, made against *Lollardy* in the second Year of this Reign, may be bailed and freely purge themselves of it; that they be arrested by no others than the Sheriffs, or such like Officers; and that no Havock be made of their Goods.' *Answer*. The King will be advised.

Thus far the Record. But Mr *Rapin* relates, that on passing the Act for regulating Elections, the Commons were encouraged, before they granted an Aid, to renew their former Instances in regard to the Clergy. *Wickliff's* Doctrine had gained so much Ground, that the Majority of the House of Commons were then in that Way of thinking; and, thus biased, they presented two Petitions to the King, one against the Clergy, and the other in Favour of the *Lollards*. In the first they set forth, 'That the Clergy made an ill Use of their Riches, and consumed their Incomes in a very
' different

‘ different Manner from the Intent of the Donors. King Henry IV.
 ‘ That their Revenues were excessive, and consequent-
 ‘ ly it was necessary to lessen them. That so many And renew their
 ‘ Estates might easily be taken from them as would Project for re-
 ‘ serve to provide for 150 Earls, at the Rate of 3000 ducing the Re-
 ‘ Marks, yearly, each; 1500 Barons at 100 Marks venues of the
 ‘ each; 6200 Knights at 40 Marks; and 100 Clergy.
 ‘ Hospitals, at as many Marks, yearly, for each
 ‘ Hospital. That, by these Means, the Kingdom’s
 ‘ Safety would be better provided for, the Poor better
 ‘ maintained, and the Clergy more attach’d to their
 ‘ Duty (x).

This is Monsr. *Rapin*’s Account of the Contents of this Bill; but could so learned and judicious an Author ever suppose that such a Number of Earls, Barons, and Knights, were likely to be supported at such a Calculation; provided that the Commons were willing to raise so many new Lords and Masters amongst them. His Marginal Note refers you to *Walsingham* for his Authority; but, unfortunately for him, that very Authority contradicts it, and shews him, if not an ignorant, at least, a careless or an unfair Translator. *Walsingham*’s Account of the Contents of the Bill, which the Commons now exhibited against the Clergy, is this, ‘ That the Temporalities, disordinately wasted
 ‘ by Men of the Church, might well suffice to find the
 ‘ King with 15 Earls, 1500 Knights, 6200 Esquires,
 ‘ and 100 Almshouses, for the Relief of poor People,
 ‘ more than there were then in *England* (y). That
 VOL. II. H every

(x) Cent-cinquant Comtes, a trois-mille Marcs chacun par Annee, quinze-cens Barons, a 100 Marcs chacun, six-mille deux-cens Chevaliers a 40 Marcs, & cent Hospitaux a 100 Marcs.

RAPIN Edit. Amst. Tom III. p. 407.

(y) The Form of the Petition, or Remonstrance, in *Walsingham*, made by the House of Commons to the King and Lords, runs in these Words,

Excellentissimo Domino nostro Regi et omnibus Proceribus, in præsentì Parlamento constitutis, omnes Communes fideles demonstrant humiliter, dicentes veraciter, quod Dominus noster Rex potest habere de Bonis Temporalibus, per Episcopos et Abbates, ac Priores, occupatis ac superbe vastatis in Regno, quindecim Comites, mille quingentos Milites, sex mille ducentos Armigeros, et centum Xenodochia plura quam sunt, bene et fideliter sustentata, de Terris et Tenementis, nunc inutiliter et superbe vastatis.

The succeeding Account of the several Stipends, &c. is given by our older Chronicles, and is taken from an ancient MS History of these Times, under the Title of *Titus Livius*,

King Henry IV. ‘ every Earl should have, of yearly Rent, 3000
 ‘ Marks ; every Knight 100 Marks, and 4 Plough-
 ‘ Lands ; every Esquire 40 Marks and 2 Plough Lands ;
 ‘ and every Almshouse 100 Marks ; and be overlook’d
 ‘ by two true secular Priests to each House. And, over
 ‘ and above all these, the King might put yearly,
 ‘ into his own Coffers, 20,000 Pounds. Provided
 ‘ also, that every Township should maintain their own
 ‘ Poor, that could not labour ; on Condition, that if
 ‘ any was overburthen’d with them, then the said
 ‘ Townships to be relieved by the Almshouses aforesaid.
 ‘ And, for to bear the Charges of all these Things, the
 ‘ Commons affirmed, in their Bill, that the Tempo-
 ‘ ralities, then in the Possession of Spiritual Men, a-
 ‘ mounted to 322,000 Marks, yearly Rent.’ The
 Commons also alledged, ‘ That over and above the
 ‘ said Sum of 322,000 Marks, several Houses of Reli-
 ‘ gion in *England*, possessed as many Temporalities,
 ‘ as might suffice to find 15000 Priests ; every Priest
 ‘ to be allowed, for his Stipend, seven Marks a Year.’

This is a genuine Account of this extraordinary At-
 tack on the Clergy, in those Days ; the Bill was
 brought into the House by Sir *John Oldcastle*, Lord
Cobham ; which drew upon him the Hatred of that vast
 Body of Men, and terminated at last in his own De-
 struction.

The second Petition is mentioned in the Record,
 wherein the Commons prayed that the Statute pass’d
 against the *Lollards*, in the second Year of this Reign,
 might be repealed ; or, at least, qualified with some
 Restrictions.

Mr *Rapin* here again makes this Reflection on these
 two Petitions ; ‘ That if the Parliament which first
 ‘ mov’d the lessening the Clergy’s Revenues was call’d
 ‘ the *unlearned*, it may well be supposed that this met
 ‘ with no better Treatment. The Name of *Lollard*
 ‘ and *Heretick* was plentifully bestowed ; and the
 ‘ Clergy consider’d these Petitions as tending to under-
 ‘ mine all Religion. This was industriously insinuated
 ‘ to the King, with all the Aggravation which Parties
 ‘ concern’d are capable of displaying on such an Occa-
 ‘ sion. It is hard to know, says our Author, whether
 ‘ the

‘ the King himself was of this Mind ; but, however, King Henry IV.
 ‘ he openly declared, that he had the Interest of the
 ‘ Church no less at Heart than the Clergy themselves.
 ‘ And, being now very easy from his Enemies, both at
 ‘ home and abroad, he had no Mind to provoke so
 ‘ great and dangerous a Body against him. For this
 ‘ Reason he rebuked the Commons very sharply, and
 ‘ said, *That he neither could nor would consent to their* Both which the
 ‘ *Petitions, and expressly forbid them to meddle any more* King refuses to
 ‘ *with the Church’s Concerns. As for the Lollards, he* comply with.
 ‘ *added, that far from permitting the Statute against*
 ‘ *them to be repealed, he wished it more rigorous, for the*
 ‘ *utter Extirpation of Heresy out of the Land (z).’*

The Commons being baulk’d again in their Expectations in these higher Matters, contented themselves with petitioning, that Clerks when convicted, might be put into the King’s Prisons, or those of the Temporal Lords ; alledging, for Reason, that Clerks by those Means frequently escap’d the Punishment they deserv’d (a). This Point had been often attempted by the Laity against the Clergy ; particularly, as high as the Reign of King Henry II. when that Prince, and all the Peers of the Realm, maintained this Point so stoutly against Archbishop *Becket* and Pope *Alexander III.* But our *Henry*, fearing to be exposed to the same Troubles his Predecessor had been, refused, also, to give his Assent to this Bill ; and, to shew the Commons how far he was from giving any Countenance to these Proceedings, he signed a Warrant for

H 2

the

(z) The King had been long suspected, even before he came to the Crown, to be as great a Favourer of *Wickliff’s* Doctrine as his Father was before him. *Fabian* and *Hollingshead* both write, that in Sir *John Bagot’s* Examination, before the Council, very soon after the late Revolution, he declared that he heard King *Richard* say, ‘ That he knew ‘ the Duke of *Hereford*, if he was once King, would prove a bitter and ‘ cruel Enemy to the Church. *Hollingshead*, p. 511. *Biondi*, 49.

The Abbot of *Westminster*, also, in his Speech to the Lords engag’d in the Conspiracy against *Henry*, in the first Year of his Reign, urg’d, ‘ That he heard him once say, when Duke of *Lancaster*, that Princes ‘ had too little, and the Religious too much ; and therefore he suppos’d ‘ him no Friend to the Church, if he continued long in that Dignity.

Grafton’s Chronicle, p. 409.

(a) *Walsingham’s* Words are, *Ut Clerici convicti de cetero non tradantur Ergastulis Episcoporum, sed Carceribus regiis et temporalium Dominorum.* p. 379.

King Henry IV. the burning of one *Thomas Badby*, who had been before convicted of Heresy (*b*).

And suffers a
Lollard to be
burnt.

Which the Com-
mons resent.

The Commons consider'd this Execution as an Insult, and great Aggravation of the King's other Refusals; and accordingly, when *Henry* demanded a Power to levy every Year a certain Subsidy, which was a *Tenth* from the Clergy, and a *Fifteenth* from the Laity, without a Meeting of a Parliament, this Demand was boldly rejected. The Commons would have even refused the Supply for his necessary Occasions, if he had not forced them to it, by prolonging the Session 'till he got his Desire.

The Reader will find here much more Matter, relating to the Proceedings of this Parliament, than the *Abridger* of the *Records* has given us; it must therefore rest on the Credit of the cotemporary Historians before mentioned. By these it plainly appears, that *Henry* had as despotick Principles as his Predecessor, when he durst to shew them.

A Matter of more private Concern came also before this Parliament, which since it bears Respect to an ancient and noble Family, which we shall have great Occasion to mention in the Sequel of this Work, we cannot omit the *Abridger's* Account of it.

The Petition of *Richard de Hastings*, sheweth, that *Ralph de Hastings*, his Brother, who was attainted and beheaded for High Treason, in the sixth Year of the King, died without Issue; and prayeth to be restored as well to his Blood, as to all such Lands as the said *Ralph* had at the Time of his Death, without any further Suit (*c*). Which Petition, by the Assent of the whole Parliament, was granted.

Alterations in
the Council at
their Request.

A Subsidy
granted.

On the 9th Day of *May*, and the last of this Parliament, the Speaker of the Commons requir'd the certain Knowledge of the Counsellors Names; whereupon two of them were changed. They then, with the Assent of the Bishops and Lords, granted the King the like Subsidy as in the 9th of this Reign, so as express
Mention

(*b*) The Writ to the Sheriffs of *London*, *De Hæretico comburendo*, for burning this *Thomas Badby*, is in *Fæd. Ang.* Tom VIII. p. 627.

(*c*) He was beheaded for an Insurrection at *York*, *An.* 1405, with the Archbishop, and *Thomas Morwray*, Earl Marshal.

Mention should be made in the Grant, *that it was pro-* King Henry IV.
vided of their own good Wills ; whereof they gave twenty thousand Marks to the King, to dispose of at his Pleasure. After which the Speaker recommended to the King the Persons of the Queen, the Prince, the Lords *Thomas, John, and Humphrey*, the King's Sons, and pray'd their Advancement ; for which the King thanked them, and promised Satisfaction in this Matter at a proper Opportunity (*d*).

Before the Meeting of this last Parliament King *Henry* found himself more at Ease in his Government, than ever he had been yet. *France*, which had hitherto been a terrible Thorn in his Heel, was now itself torn in Pieces by a Civil War between the two Houses of *Orleans* and *Burgundy*. This, also, occasioned *Scotland* and *Wales*, since they could now receive no farther Assistance from *France*, to agree to a Truce with *England*. All *Henry's* inborn Enemies were almost totally destroyed ; and, having nothing to fear, either at Home or Abroad, he became more absolute than ever. The Reader may observe, that at the Head of this Session, when the Speaker of the House of Commons made the usual Protestation, the King took more upon him than formerly, by prohibiting the Speaker from using any indecent Expressions ; that is, we suppose, from saying, or doing, any Thing that might give him Offence. We shall here again beg Leave to give a remarkable Paragraph in *Rapin's* History, containing some Reflections on the Means *Henry* used to pack this Parliament ; as that Author does not quote his Authority, we shall rest it, singly, on his own ; but, it is Matter of some Wonder that such Expressions should flow from the Pen of this Historian.

‘ Though *Henry*, says he, had caused *Richard* to be
 ‘ deposed for usurping an arbitrary Power contrary to
 ‘ the Laws, yet, he himself plainly shewed by certain
 ‘ Proceedings he would have been glad to govern with
 ‘ an absolute Authority. This chiefly appeared in the
 ‘ Elections of Members of Parliament. By the Di-
 ‘ rections of the Court, certain Artifices were prac-
 ‘ tised, to render the Freedom of Voting of no Use ;

H 3

‘ since

(*d*) Prince *Thomas* his second Son, was accordingly created Duke of *Clarence*.

King Henry IV. ‘ since the Sheriffs took the Liberty to return such
 ‘ Representatives as had not a Majority of Votes. This
 ‘ is a Thing of so fatal a Consequence, that it may be
 ‘ affirmed, the Liberty of the *English* will no longer
 ‘ subsist than whilst the Privilege of freely electing their
 ‘ Representatives in Parliament stands inviolated. If
 ‘ once the Sovereign comes to chuse what Representa-
 ‘ tives he pleases, the Bounds of the Royal Authority
 ‘ will be in the End so enlarged, that nothing but the
 ‘ mere Shadow of Liberty will remain. Of this, we
 ‘ have seen a remarkable Instance in the Reign of
 ‘ *Richard II.* But it may farther be added, that all
 ‘ the Kings of *England*, who have enjoyed a more ab-
 ‘ solute Power than the rest, acquired it by this Way ;
 ‘ I mean, by procuring their Creatures to be elected.
 ‘ When a Parliament consists of such Members, it is
 ‘ not the King which is charged with Encroachments
 ‘ on the People’s Liberty, but it is the Nation itself
 ‘ that voluntarily runs into Slavery. And, if, after-
 ‘ wards, they resolve to throw off their Chains, they
 ‘ can only succeed by violent Means ; and this, by the
 ‘ Way, is the Spring of most of our Civil Wars so
 ‘ often kindled in *England*.

We may venture to affirm, that no native Historian
 could more justly descant on the Abuse of *English* Par-
 liaments than this Foreigner hath here done. And,
 we wish we could say, that this Practice hath not been
 used in much later Reigns, and, even down to our own
 Times. Yet the Reader may well wonder, what all
 this long Preamble was to introduce ; our Author goes
 on and writes, ‘ That the Parliament which met in
 ‘ *January 14²⁰*, considering the Consequences of the
 ‘ King’s Proceedings to over-rule Elections, believed
 ‘ the Redress of that Abuse as the most pressing Af-
 ‘ fair. Accordingly, in the Beginning of the Session,
 ‘ they presented a Bill to the King, by which the She-
 ‘ riffs who should be guilty of making false Returns,
 ‘ were to be fined one Hundred Pounds Sterling for
 ‘ each Offence (e). The King would have been glad
 ‘ to

(e) This is an Emendation of the Statute of 7 Hen. IV. *For the better Regulation of Elections for Knights of the Shire.* Hereby not only the Sheriffs were to forfeit 100 l. for every such Offence, but the Knights of Shires, so returned, were also to lose their accustomed Wages. See before, p. 82, and 105.

‘ to evade this Act ; but as he could not do it, without King Henry IV.
 ‘ laying himself too open, besides as he intended to de-
 ‘ mand a Subsidy, he gave it the Royal Assent.’

The only Reason *Rapin* gives for gaining this Sta-
 tute is an *ipse dixit* of his own ; not one single Word
 of it appearing on the Record. Nay, it is much more
 probable that the King and his Parliament agreed very
 well this Session ; since, in the Grant of the Subsidy,
 they made him a singular, and very unusual, Present
 of 20,000 Marks at his own Disposal.

Another Parliament assembled at *Westminster*, on
 the 2d of *November*, in the 13th and last Year of this
 King’s Reign (*f*). At which Time, the Commons
 being called over, as usual, Sir *Thomas Beaufort*, ano-
 ther Half-Brother of the King’s, then Chancellor, by
 Virtue of Letters Patent there read and enrolled, be-
 gan, prorogued, and continued the said Parliament for
 a Week longer.

At which Time the said Chancellor, by the King’s Anno Regni 13.
 Command, in his Presence, and in the Presence of all 1411.
 the Lords and Commons, declared, ‘ That this Parlia- At Westminster.
 ‘ ment was called for three Causes : For the good Go-
 ‘ vernment of the Realm, due Execution of the Laws,
 ‘ and the Defence of the Kingdom, with the safe Keep-
 ‘ ing of the Seas.’ From these he argued, ‘ That to
 ‘ the good Governance of the Realm belonged faith-
 ‘ ful Council without Flattery, and due Obedience
 ‘ without Grudging. To the due Execution of the
 ‘ Laws did appertain sincere Keeping of the same, and
 ‘ speedy Redress for Fear of Abuse. To the Defence
 ‘ of the Realm there needed their hearty willing Relief
 ‘ to the King in his Distress, with discreet and speedy
 ‘ Provision ; for all which Causes they were then as-
 ‘ sembled.’ He added, ‘ That it was the King’s
 ‘ Pleasure the Church, with all Corporations and Per-
 ‘ sons should enjoy their wonted Liberties ; and, for
 ‘ expediting these Matters he desired the Commons to
 ‘ chuse a Speaker, and present him the next Day.’

Accordingly, the Commons presented Sir *Thomas* Sir Thomas
Chaucer, once more, as their Speaker ; whose Excuse Chaucer a third
 not Time chosen
 Speaker.

(*f*) Sir *William Dugdale* places this Parliament in the 12th Year, and
 says, there were no Summons in the 13th, but *Cotton’s Abridgment*, and
 the *Statutes at Large*, make it the 13th and last.

King Henry IV. not being allowed, he prayed that he might speak under the usual Protestation. It was granted, that he might speak as others before had done ; but that *the King would have no Novelties introduced, and would enjoy his Prerogative.* Upon this, the Speaker desired a Respite for three Days, to give his Answer in Writing, which was, ‘ That he desired no other Protestation than what other Speakers had made ; and, that if he should speak any Thing to the King’s Displeasure, it might be imputed to his own Ignorance, only, and not to the Body of the Commons ; ’ which the King granted.

The first Land-Tax.

Then the Commons, by Assent of the Bishops and Lords, granted to the King the same Subsidy, as to *Tonage and Poundage*, as in the two last Parliaments ; so, also, that it might be expressed to proceed *from their own Good-Will, and not of Duty.* They also granted, that every Person possessed of *Twenty Pounds*, by the Year, above all Charges, shall pay *Six Shillings and Eightpence* ; except Lands purchased in *Mortmain*, before the 20th of *Edward I.* and Lands purchased in *Frank Almoigne*, since the said 20th Year. This is the first Tax upon Land that we have yet met with.

On the last Day of *November*, the Speaker, in the Name of the Commons, prayed the King to give Thanks to the Prince, and others appointed to be of the King’s Council, in the last Parliament, for well employing the Treasure then granted ; which his Majesty did accordingly.

An Act for regulating the Coin.

It was enacted, ‘ That the Mint-Master within the *Tower of London*, and other Minters within the King’s Grant, may coin of every Pound of Gold of the *Tower-Weight* Fifty Nobles ; and of the same Weight of Silver Thirty Shillings *Sterling*, during two Years ; provided that the said Gold and Silver be of as good Allay as the old Coin was (e).

About this Time the current Coin of the Nation was much debased by Foreign Money being added to it ; whereupon a Law was made, this Parliament, for prohibiting a certain bad Coin, called *Galley-Half-Pence*, to pass current, as, also, all Foreign Money,

as

(e) *Statutes at Large*, An. 13. Hen. IV. Cap. vi.

as well of *Scotland* as other Nations. An Historian King Henry IVa writes, that tho' the King had no Tax granted this Parliament, (we suppose he means no *Tenths* nor *Fifteenths*) yet he so well managed the Business of the Coinage, that he raised as good a Fund by it. For, partly, by seizing the forfeited Money, and, partly, by coining new Nobles, which he made a Groat lighter than the old, he much enriched his own Treasury (f).

A Church-Affair of some Consequence came, also, before this Parliament ; *Thomas*, Archbishop of *Canterbury*, by a long Instrument, in *Latin*, shewed, that in the Time of *Richard II.* the University of *Oxford* had purchased a Bull to be clearly exempt from the Visitation of the said Archbishop, to the End that they might better support Hereticks and *Lollards* ; and that the said King *Richard* took Order that they should still be subject to the said Archbishop's Visitation, notwithstanding the said Bull. Yet, he added, that in this King's Time he had been disturbed in his Visitation aforesaid by *Richard Courtney*, the Chancellor, *Bennet Brett*, and *John Birch*, the Proctors of the said University ; and that, by their Submission to the King's Order, it was by him, in *Chancery*, decreed, that the whole University aforesaid, and all Orders, Persons and Faculties in the same, should be fully subject to the Visitation of the said Archbishop and his Successors, and to his and their Officers. And that as often as the said Archbishop, or his Successors, or his or their Officers, should be interrupted by the said Chancellor, their Liberties should be seized into the King's Hands, until the said Archbishop was restored to his Right. And, further, for every Time of such Interruption, the said Chancellor, or other Officer of the University, should be bound to pay to the King One thousand Pounds.

All these Articles and Orders, at the Request of the said Archbishop, were confirmed by the whole Assent of Parliament. On all which Sir *Robert Cotton* makes this Remark, ' That hence it most manifestly appears, ' that even in those Days, the Prerogatives of our ' Princes

The Archbishop of Canterbury's Power of visiting the University, confirmed by Parliament, notwithstanding the Pope's Bull of Exemption.

King Henry IV. ‘ Princes were nothing subject to the Pope’s Supremacy. For, otherwise, this Archbishop, the Pope’s adopted and Foster-Son, would not have so slighted the Pope’s Bulls, which he plainly took for mere Bells and Baubles (g).’

On the 20th of *December*, which was the last Day of this Parliament, the Lords and Commons, by their joint Petition, seemed to lament, that a Report was spread, that the King was offended with some, in both Houses, for Matters done in the last Parliament; and they desired that the King would embrace and esteem them as his loyal Subjects; which Request he, out of meer Grace, granted. Then the Speaker, again, recommended to the King the Persons of the Queen, the Prince, and the rest of the King’s Sons, praying the Advancement of their Estates; for which his Majesty returned them his hearty Thanks. And, after the more private Petitions of the Commons were answered, the Chancellor, by the King’s Command, gave Thanks to the Three Estates of the Realm, and dissolved this Parliament.

Act against Riots.

But we must not omit to mention that a Statute was passed in this Parliament against Riots and other Public Assemblies, whereby it was enacted, ‘ That all Justices of Peace should have a very strict Eye upon the Subject to prevent all riotous Meetings, and Sheriffs to be as watchful to suppress them; which, if they neglected, they should each of them forfeit 100 l. for every such Offence (h).’ By which, adds the Historian before quoted, it seems that King *Richard’s* Ghost haunted this King to his dying Day; that the People were never thoroughly satisfied, but disturbed his Peace, on every occasion, by Riots and Tumults (i). However, we find in the *Public Acts* a general Pardon, or Act of Grace, not mentioned by the *Abridger of the Records*, which must have passed in this Session of Parliament, tho’ it is dated *December 22*, or two Days after the Dissolution of it. The King’s Writ or Proclamation of the Act, was sent to all the Sheriffs in *England*;

A general Pardon.

(g) COTTON’S *Abridgement*, p. 480.

(h) *Stat. at Large*, Ann. 13. Hen. IV. Cap. VII.

(i) *Daniel in Kennet*, p. 301.

England; and there are but two Exceptions, *viz.* King Henry IV. *Owen Glendour* and *Thomas de Trumpyngton*, with their Adherents, included (l). This seems to be a very reasonable *Act of Grace*, both for the King and his Subjects; since, as he shewed Mercy to them, he had the better Title to expect it himself, from the *King of Kings*, before whom he was shortly to appear. For, very soon after, *Henry* was seized with a Distemper, The Death of which, in three Months Time, brought him to his End; Henry IV. dying *March* the 20th, 14 $\frac{1}{2}$, in the 46th Year of his Age, and the 14th of his Reign (m).

An Abstract from the Speech that *Shakespear* makes this King *Henry* give to his Son the Prince of *Wales*, on his Death-Bed, by way of Advice to him, may not improperly conclude this Reign.

KING. *C*ome hither, Harry, sit thou on my Bed,
 And hear, I think, the very latest Counsel,
 That ever I shall breathe. Heav'n knows, my Son,
 By what Bye-Paths and indirect crook'd Ways
 I met this Crown; and I myself know well
 How troublesome it sat upon my Head.——
 —— It seemed in me,
 But as an Honour snatched with boist'rous Hand,
 And I had many living to upbraid
 My Gain of it by their Assistance;
 Which daily grew to Quarrel and to Bloodshed.—
 —— Therefore, my Harry,
 Be it thy Course to busy giddy Minds
 With Foreign Quarrels; that Action, hence,
 born out,
 May waste the Memory of former Days.
 More would I say, but my Lungs are wasted so,
 That Strength of Speech is utterly deny'd me.
 How I came by the Crown, O God, forgive!
 And grant it may with Thee in true Peace live.

TAXES

(l) *Fæd. Ang.* Tom. VIII. P. 711.

(m) Most of our old Chronicles will have it, that *Henry* died before the last Parliament was dissolved. But few of them agree in the Distemper that caused it; some say, that he died of an Apoplexy, and *Polydore Vergil* will have it, that it was an incurable Disease, inflicted for his Usurpation, and says, *Subito Morbo tentatus, nulla Medicina sublevari potuit.* Lib. XXI. p. 438.

King Henry IV.

TAXES in the Reign of King HENRY IV.

IN his first Year there was granted to him 50 s. on every Sack of Wool from Denizens; and four Pounds from Aliens for three Years: Also a *Tenth* and a *Fifteenth*.

In his second Year, a Subsidy was granted of one *Tenth*, and one *Fifteenth*; Two Shillings on every Ton of Wine, and Eight-Pence in the Pound on Merchandize.

In his fourth Year there was granted to the King, the usual Subsidy on Wools, Wool-Fels and Skins, for three Years; also Three Shillings on every Tun of Wine, and Twelve-pence in the Pound on Merchandize, besides a *Tenth* and a *Fifteenth*.

In his fifth Year there was a Tax of Twenty Shillings on every Knight's Fee, and Twenty-pence of every one that had Twenty Pounds Lands a Year, and One Shilling in the Pound for Money or Goods, and so upwards according to that Rate. But the Record of this Subsidy was burnt by Order of the Parliament that granted it.

In his sixth Year he had two *Tenths* and two *Fifteenths*, also, the Subsidy on Wools, Wool-Fells, and Skins; that is, of every Denizen, for each Sack of Wool 43 s. 4 d. for every 240 Wool-Fels the like Sum, and for every Last of Skins Five Pounds: Of Aliens 10 s. more, to subsist for two Years; Three Shillings on every Tun of Wine, imported or exported, and Twelve-pence in the Pound on Merchandize.

In his seventh Year, there was granted a Subsidy of one *Tenth* and one *Fifteenth*, besides the usual Grant upon Wools.

In his ninth Year, he had one *Tenth* and a *Half*, with the same Subsidy as in the last Parliament, for two Years.

In his eleventh Year, the same Tax was granted; And,

In his thirteenth Year, it was again repeated, with the Addition of 6 s. and 8 d. upon every Owner of Lands of 20 l. a Year clear Estate.

Towards

Towards forming some Notion of the Value of these King Henry IV. Taxes, take the following Account of

The Price of PROVISIONS in this Reign.

In 1401, Wheat very dear, at 16 s. the Quarter (n).

In 1407, a Cow was sold for 7 s. and her Calf for 1 s. 8 d. Five Bushels and a half of Salt for 3 s. 4½ d. Two Bushels of Wheat for 10 d. A Thresher for a Day's Labour 2 d. An Ox sold for 13 s. 4 d. A new Plough 10 d. For eleven Bushels of sowing Wheat 5 s. 10½ d. For eighteen Bushels of sowing Oats 4 s. 6 d. For a Dung-Cart and all Materials 1 s. 2 d. For a Pair of Cart-Wheels 3 s. 2 d. (o)

(n) FABIAN's *Chronicle*.

(o) KENNETT's *Parochial Antiquities*. FLEETWOOD's *Chronicon Pretiosum*.



HENRY

King Henry V.

HENRY the Fifth began his Reign *March 20, Anno 1413*, the Day of his Father's Death, and was proclaimed on the next, with the usual Ceremonies. Our older Chronicles, and their Copiers, impute several Wildnesses and light Behaviour to the Minority of this Prince, very unbecoming his high Birth and Station. But the Reader may observe, in the Course of these Enquiries, throughout his Father's Reign, that several high Compliments were made this Prince of *Wales*, on his Valour and Prudence, by Parliament; very inconsistent with such a Character (*p*). We are told by a contemporary Historian, and an ancient Manuscript Chronicle of this King's Life, that the late King, his Father, had summoned a Parliament to meet at *Westminster*, on *March* the 24th this Year, which was four Days after he died (*q*). That being met, accordingly, they gave an extraordinary Testimony of their entire Confidence in the new King, by an Address to him from both Houses, wherein they offered to swear Allegiance to him before he was crowned, or had taken the customary Oath to govern according to the Laws. The King gave them Thanks for their good Affections to him, and exhorted them to employ all their Power for the Good of the Nation, in their several Places and Stations. He told them, 'That he began his Reign
' by pardoning all that had offended him; and, with a
' sincere Design for his People's Happiness, said, that
' he would be crowned on no other Condition, than
' to make use of all his Authority to promote it. And,
' prayed to God, that if he foresaw he was like to
' prove any other than a just and good King, he
' would please to take him immediately out of the
' World, rather than seat him on the Throne, to be a
' public Calamity to his People.'

The generous Offer made by both Houses of Parliament

His Speech to
the Parliament
on his Accession
to the Crown.

(*p*) See before, *p.* 108, and 112.

(*q*) *Titus Livius*, a M. S. wrote under that Name, of this King's Reign, and dedicated to his Son and Successor. *NICHOLSON'S Hist. Library*, *P.* 82.

Walsingham writes that this Parliament met on the Day after *Candlemas-Day*, but that the King did not live to see the End of it, dying on *March 20*, as aforesaid, *P.* 382.

ment to this King, at his Accession, and such, as an old Historian (*r*), says, was never made before to any *English* Prince, is another convincing Testimony of the great Confidence they placed in his Administration and Justice. And his subsequent Conduct evidently shewed that they were not mistaken in him. But, whatever our old Chronicles say of the calling this Parliament, we meet with no Authority for it on Record (*s*). There is an inconsistent Account in *Cotton's Abridgement*, of a Parliament called at *Leicester*, *January 29*, the first of this King, and prorogued to the same Place the last Day of *April* following; but the Dates of the Writs do by no means agree with the Date of the last King's Death. This Matter, however, is set right by another Inspector of Records (*t*), who has given us the Form of a Writ directed to *Thomas* Archbishop of *Canterbury*, dated *March 22*, for calling of a Parliament. The Reasons given in the said Writ of Summons were these, 'That the King by the Advice of his Council, ' had determined to hold a Parliament three Weeks after ' *Easter* next following, in order to consult and treat ' with the Bishops and other Prelates, the Lords and ' Commons, concerning the State and Safety of the ' Nation. The Archbishop was therefore commanded, ' as he had any Regard to the King's Honour, or the ' Safety and Defence of the Kingdom, to be present ' at the Sessions, and to give Notice, to the Prior and ' Chapter of the Church of *Canterbury*, to the Arch- ' deacons and all the Clergy of that Diocese, that the ' Prior and Archdeacons should come in their own ' Persons to Parliament, and that the Chapter should ' send thither one fit Proctor, and the Clergy two ' distinctly appointed, with Power to consent to what ' should be enacted by the General Council of the ' Nation.' The like Writs were directed to other Bishops, Abbots, and Priors, to *William Gascoign* Lord Chief Justice, to *Edward de Courtenay* Earl of *Devonshire*, and others of the Nobility.

King Henry V.

On

(*r*) *J. Stowe's Chron.* P. 343.

(*s*) The Reader will find in the Account we give of the next Parliament, that the Members of the House of Commons petitioned the King that Costs might be allowed them for attending the Parliament, *Anno 14 Henry IV.* tho' no Business was done at it.

(*t*) *DUGDALE's Summons to Parliament.* p. 383.

King Henry V.

Anno Regni I.

1413.

At Westminster.

On the appointed Day, being *May 15*, that Year, the Parliament met at *Westminster*; when the King, sitting on his Throne, and the other Estates of the Realm attending, the Bishop of *Winchester*, the King's Uncle, and Lord Chancellor, made a Speech to them, wherein he first declared, 'That this Parliament was called in order that the Church, with all Corporations, and Persons, should enjoy their accustom'd Liberties, and also for a general Consultation.

The *Latin* Sentence he chose for his Theme was, *Ante omne Actum Consilium stabilire*; he told them, 'That the King desired to consult with them on several Accounts, for the competent Support of his Royal Dignity; the due Execution of good Laws and Government of the Nation; the encouraging his Allies and subduing his Enemies. And, that they might more effectually go about these weighty Matters, he urged the Commons to chuse their Speaker, and present him the next Day to the King.' Then the Receivers and Tryers of Petitions were appointed, and, the Day after, the Commons presented *William Stourton*, Esq; who was allowed.

William Stourton, Esq; chosen Speaker.

May 22. The Commons came before the King and Lords, when their Speaker declar'd to his Majesty, that in the Time of his Father, many fair Promises were made for the Observation of the Laws, but nothing done in them; whereupon he prayed the King to provide for the due Execution of them. And, particularly, mentioned a late Riot against the Abbot of *Cirencester*, which he desir'd might be punish'd. The Speaker was commanded to exhibit the same in Writing, that the King might the better consider of it.

May 25. *John Dorewood*, Esq; and others of the Commons, deliver'd to his Majesty a Scheme, for providing for the Defence of *Ireland*, the Marshes of *Wales* and of *Scotland*, of *Calais*, the Dutchy of *Guyenne*, for safe guarding the Seas, for furnishing out a Fleet, and for raising sufficient Forces to repel any Invasion.

But falling sick, John Dorewood, Esq; is chosen in his Place.

On the 3d of *June* the Commons again attended the King in the House of Lords, and their Speaker, being render'd by Sickness, unable to serve, they presented the said *John Dorewood*, who had the King's Approbation.

And

And whereas Annuities were to be paid to several Persons by Letters Patent, it was enacted, 'That the King for the Support of his Charges, should Yearly receive ten thousand Pounds, and the Remainder should be paid according to the Rate.' And whereas *Henry V.* had by his Last Will given all his Goods and Chattels to discharge his Debts, and for the Payment of certain Legacies, and had made *Henry* Archbishop of *York*, *Thomas* Bishop of *Durham*, *John Pelham*, *Robert Waterton*, and *John Laventhorp* Executors, and had appointed the King and Archbishop to be Overseers of this his Testament; but the Goods falling short, the Archbishop of *Canterbury*, as Ordinary, ought to have the Administration of the said Goods and Chattels: Therefore, that they might not be set to common Sale, the King took Possession of them, and granted the Sum of 25,000 Marks, the Value of these Goods, to be paid out of the Wardrobe in three Years to the Executors, and discharg'd them of all Executions by the same Will, which should be over and above the last mention'd Sum. The Commons petition'd the King, 'That the Statute made in the Fifth Year of *Henry* the Fourth, for the Regulation of *Aliens*, might be observ'd.' Which the King granted, saving his Prerogative. The Commons, with the Assent of the Bishops and Lords, granted to the King the like Subsidy on Staple-Ware, Tunnage and Poundage for four Years, as they had given to his Father in the thirteenth Year of his Reign.

King Henry V.

The King pays his Father's Debts.

A Subsidy granted for four Years.

In the Twenty-fifth Year of *Edward* the Third, an Act had been made for maintaining the Right of the *English* Kings to confer Ecclesiastical Preferments and Benefices: It was reinforc'd and confirm'd afterwards by two others, one made in the Thirteenth of *Richard* the Second, the other to the same Effect in the second of *Henry* the Fourth, forbidding all Persons to accept any vacant Bishopricks, or other Church Benefices, from the Popes of *Rome*, or any other than the King, under Penalty of Banishment, and Forfeiture of Lands and Goods to the Crown. And now by this Parliament in the first Year of *Henry* the Fifth, it was enacted,

Act against Provvisors from Rome re-inforc'd.

King Henry V. ' That all these Statutes made against Provisors from
' *Rome*, should be strictly observ'd.'

Petitions of the
Commons.

The House of Commons presented a large Complaint of the many Oppressions, with which the Ordinaries aggrieved the People in the proving of Wills, and the like; and of the Abuses they committed by punishing Fornication and Adultery with pecuniary Pennance; and petition'd the King, that these Grievances might be redress'd: Whose Answer was, ' That he would
' give Orders to the Bishops to rectify 'em, and if they
' neglected it, he would do it himself.' They likewise petition'd, that Costs might be allow'd to the Knights, and Burgeses summon'd to Parliament in the fourteenth Year of *Henry* the Fourth, though nothing was done in that Session. The King reply'd, ' That if upon
' View of the Records any the like Precedents could
' be found, Allowance of their Fees should be made.' They also petition'd, that the Grounds set out by the Perambulations of *Edward* III. might be intirely disforested; to which the King answer'd, ' That such as
' had just Complaints against the Charters of the Forest should be heard.' And when the Commons farther ask'd of the King a Declaration for furcharging of Sheriffs, and petition'd that they might be allow'd upon their Oaths in the Exchequer; he promis'd, ' That upon the Sheriffs coming before the Council
' and the Barons of the Exchequer, they should find
' Remedy.' To another Petition, desiring that no Barge, Ship, Boat, or other Vessel going on any River, be taken for a Deodand, if a Person accidentally falling out of it be drown'd, the King reply'd, ' That he
' would take Advice about it.' The like Answer he return'd to a Petition offered in favour of Merchants, that they might freely bring into the Nation their Goods of *Arras*, and all other Merchandize but that of the Staple; and paying their due Customs, might sell the same as they pleased to all Men, the *Genoa* Merchants excepted.

As the Commons thus made their Petitions to the King, either for the redressing of Grievances, or for the Establishment of such Orders as they apprehended might promote the Publick Good; so likewise many Laws
were

were enacted to render the Nation rich, flourishing and prosperous. It was enacted, ' That all Aliens should

King Henry V.

' depart the Kingdom, and that all such Merchants Aliens as remain'd should live in *English* Families, on Pain of Imprisonment at the King's Will; also that all the Livings of Priors Aliens, (besides some which they excepted) should be seized for the King's Use.'

By another Act it was ordain'd, ' That every Juror in all Inquisitions should be question'd upon his Oath, whether he, or any other had receiv'd any thing for his Use, as to the Process of the Business, and that upon Conviction by his Oath he should be try'd.'

An Act was made about the Election of Persons to serve in Parliament; by which it was appointed, ' That none should be chosen Knights of the Shire, who were not resident in the County on the Day

Several Acts pass'd for the Publick Benefit of the Nation.

when the Writ of Summons was dated; nor any be chosen Burgeses, but such as were Citizens or Townsmen and Freemen, dwelling in the Cities and Towns where they were elected.' Another Act pass'd to enforce the observing of some former Statutes about the removing or straiting Weirs, Mills, Stanks, Stales and Kydels, which were a Nuisance to the Rivers. Another against the Forgers of false Deeds, ordaining, ' That the aggriev'd Party should have his Suit, and recover Damages, and that the Person convicted should make Fine and Ransom at the King's Pleasure.' By another, Provision was made against the Abuses that arose from the Continuance of the Officers of Sheriffs, such as Under-Sheriffs, Clerks, Receivers and Bailiffs, in their Places, from Year to Year, or from their interchangeable Removal out of one Office into another: It was enacted therefore, ' That those who should be Bailiffs of Sheriffs for one Year, should bear no such Office for three Years following, excepting Bailiffs of Sheriffs which are inherite in their Office; and that no Under-Sheriff, Sheriff's Clerk, Receiver or Bailiff, should be Attorney in any of the King's Courts during their being in any such Office.' By another Act it was ordain'd, ' That in every original Writ of Actions Personal, Appeals and Indictments, Additions should be made of the

King Henry V.

‘ Estate or Degree, or Mystery of the Persons, and of
 ‘ the Counties and Towns where they dwelt.’ And
 whereas the Friends and Kindred of those Rebels that
 were slain in the late Commotions in *Wales*, in the for-
 mer Reign, endeavour’d to revenge their Blood by
 Quarrels and Insults on the King’s faithful Subjects,
 by Indictments or Impeachments, or Threatnings of
 Vengeance: It was therefore ordain’d by another Sta-
 tute, ‘ That no such Quarrel, Action, or Demand be
 ‘ made, on Penalty of paying to the injur’d Person
 ‘ treble Damages, and of two Years Imprisonment
 ‘ after the Conviction.’ There were Complaints also
 of Neglect in executing the Law made in the 13th
 Year of *Richard* the Second, forbidding any Alien
Frenchman to have or enjoy any Benefice within this
 Nation, and requiring their Departure out of the Na-
 tion by a certain Time limited: And that when any
 Benefices became vacant by the Departure or Death of
 the Priors, Aliens or others, *Englishmen*, should be put
 in. The Commons represented ‘ That contrary to
 ‘ this Act Alien *Frenchmen* did purchase the King’s
 ‘ Letters Patents to be Denizens, that they might
 ‘ enjoy the Benefices, which they did accordingly pos-
 ‘ sess, to the great Damage of the Kingdom, by carry-
 ‘ ing away its Treasure, and betraying the King’s
 ‘ Counsels to his Enemies.’ The King considering
 these Mischiefs, pass’d an Act to enjoin the strict Obser-
 vance and Execution of the former; also for clear-
 ing the Nation of these Priors Aliens, those that were Con-
 ventual, and those who had Institution and Induction,
 only excepted, on condition that they be Catholick,
 and find Surety not to disclose the Counsels and Secrets
 of the Realm. Great Disturbances were produc’d by
 the coming over into *England* of considerable Numbers
 of *Irishmen*, and begging Priests, who were called
Chamber-Deacons: Therefore, for the Establishment of
 the Quiet here, and to re-people that forsaken Kingdom,
 it was ordered by Parliament, ‘ That they should de-
 ‘ part before the 1st of *November*, on Forfeiture
 ‘ of their Goods, and Imprisonment at the King’s
 ‘ Pleasure.’ There was another Complaint exhibited,
 ‘ That whereas all the Revenues, Profits, Fishing
 ‘ Customs

‘ Customs of the Town and Marches of *Calais* had King Henry V.
 ‘ been appointed by *Edward III.* and *Richard II.* to
 ‘ be levy’d by the Treasurer of *Calais* to satisfy the
 ‘ Charges necessary for its Defence, these Revenues
 ‘ had been diverted from their intended Use in the
 ‘ former Reign, and bestow’d by Letters Patents on
 ‘ several Captains, and other Persons.’ An Act was
 pass’d to revoke all these Patents and Grants, and to
 appropriate the Revenues and Profits of that Town to
 their first Purpose.

Whilst the Parliament sat at *Westminster*, the Con-
 vocation of the Clergy, according to the usual Custom
 of those Times, was assembled at *St Paul’s*; and were
 much more active in their Proceedings than the other.

Thomas Arundel, Archbishop of *Canterbury*, being sen- The Clergy stir
 sible how zealous the King was for the Church, thought up the King to
 this the fittest Opportunity to root out those Heretical prosecute Sir
 Doctrines, which had long been a grievous Thorn in John Oldcastle as
 the Sides of the Clergy. He hoped that the King’s a Favourer of
 the Lollards.

Youth and natural Courage, concurring with his Reli-
 gious Inclination, would more earnestly engage him in
 a Work, by which he might merit, at once, both the Fa-
 vour of God and of his People. By the Help of twelve
 Inquisitors, which the Prelate had sent out the Year
 before, he had collected a large Bundle of Accusations,
 which were afterwards digested into no less than 246
 Articles, against the Principles and Doctrines of the
Lollards. On the Canvassing of these, in Con-
 vocation, it was, at length, decreed, ‘ That it would
 ‘ be impossible to extirpate the Doctrines of *Wickliffe*,
 ‘ unless certain Great Men, who were the professed
 ‘ Abettors and Maintainers of them, were taken off.
 ‘ That Sir *John Oldcastle*, Lord *Cobham*, being the
 ‘ Chief of them, should be first dealt withal; and
 ‘ that, without Delay, a Process should be issued out
 ‘ against him, as a most notorious Heretick (a).’ And,
 because the said Lord was in great Favour with the
 King, for his Conduct and Valour, it was thought ad-

I 3

viseable

(a) This Sir *John Cobham* had been principally concern’d in bringing
 in a Bill in the last Reign for reducing the exorbitant Revenues of the
 Clergy: The worst Kind of Heresy he could be guilty of.

King Henry V.

wiseable to acquaint his Majesty with their Designs, and the just Occasion of them ; that, having obtained his Leave, their Proceedings might be more successful, and give less Offence (*b*).

These Things being settled in Convocation, an Accident happen'd, which gave the Clergy a much greater Handle to work the Downfal of these new Reformers ; who, being openly abetted by some, but secretly by many more great Men, who wanted to be sharing the Revenues of the Church amongst them, were become exceeding dangerous to the Clergy. And, in the very first Year of this King an Insurrection of these Reformers began in and about *London*, headed by Sir *John Oldcastle* and Others, which might have proved of ill Consequence, had not the King himself, by his Vigilance and Conduct, suppressed it. This unadvised Step of the *Lollards* gave the young Monarch a warm Resentment against them, and made him judge that their Principles were equally destructive to Church and State.

Anno Regni, 2.

1414.

At Leicester.

A most severe
Law against
them.

A Parliament was called to meet at *Leicester* on the 30th of *April*, 1414. The *Abridgment of the Records*, has put the Summons to this Parliament under the first Year of this King ; but the Statute-Books, and our older Historians and Chronicles, place it in the Second. The first Act that we find to be done at it, was a very severe Statute made against the Followers of *Wickliffe's* Doctrine, whereby it was (*c*) enacted, ‘ That whoever
‘ read the Scriptures in *English*, which was then cal-
‘ led *Wickliffe's* Learning, should forfeit Land, Cattle,
‘ Goods and Life, and be condemn'd as Hereticks to
‘ God, Enemies to the Crown, and Traitors to the
‘ Kingdom ; that they should not have the Benefit of
‘ any Sanctuary, tho' this was a Privilege then granted
‘ to the most notorious Malefactors ; and that if they
‘ continu'd obstinate, or relaps'd after Pardon, they
‘ should first be hang'd for Treason against the King,
‘ and then burn'd for Heresy against God.’ The Clergy

(*b*) WALSINGHAM, P. 383. DANIEL in KENNET, P. 309. See also FULLER's *Church-History*, and COLLIER's *Ecclesiastical History*, P. 633, & *supra*.

(*c*) Statutes at Large, An. 2. Hen. V.

gy having obtain'd this Act, it was soon put in Execution ; many were taken, and suffer'd Death upon it, and others fled in great Numbers into *Germany, Bohemia, France, Spain, Portugal*, and into the Mountains of *Scotland, Wales, and Ireland*.

King Henry V.

Several Acts of publick Benefit were likewise pass'd in this Session, *viz.* An Act to remedy the Abuses committed in diverting the Goods and Revenues of Hospitals to other Uses than what the Founders intended. Also, an Act against the Followers of *Wickliffe*, who were called Hereticks and *Lollards* ; in which it was required, ' That the Chancellor, Treasurer, Justices of the one Bench with the oher, Justices of Peace, Sheriffs, Mayors, Bailiffs, and all other Officers, should take an Oath to employ their Power to extirpate all Manner of Heresies, commonly called *Lollardies*, within the Places where they exercis'd their Offices : And that all Persons convicted of Heresy, and left to the Secular Power, should forfeit all their Lands and Goods to the King.' Likewise an Act against Riots and unlawful Assemblies, enjoining, ' That such Rioters as were attainted of great and heinous Riots, should suffer at least one whole Year's Imprisonment without Bail or Mainprize ; and that they who were attainted of lesser Riots, should suffer Imprisonment as long as the King and his Council thought fit ; and that the Fines on such Rioters should be raised to greater Sums than they were usually, for the Support of the Costs of the Justices, and other Officers.' There was another Act (*d*) pass'd in this Parliament, by which the Priories Alien, who depended on some Capital Abbies in *Normandy*, that received the Profits of them, should be intirely at the King's Disposol : For the House of Commons consider'd, that by these Abbies beyond Sea, possessing the Lands and Revenues of these Alien Priories, great Sums of Money were carried out of the Nation ; and they foresaw, that when the War was begun with *France*, all the Subjects of *England* who

I 4

had

(*d*) This Act is not in the Statute Book, but is mentioned among the Patent-Rolls, 3 Hen. V. P. 2. M. 2.

King Henry V. had Lands and Estates in that Kingdom would be de-priv'd of them: They therefore made this Act to dis-possess these Foreign Monasteries of these Priories Alien, and to vest them in the King, who having thus the Power of disposing of them as he pleas'd, soon after by Letters Patent dated *June 24*, gave two of them, (one of *Paunfeld* in *Essex*, the other of *Wells* in *Norfolk*, which belong'd to the Abbey of *St Stephen's* in *Normandy*) to *John Wodehouse*, Esq; and requir'd from him no other Acknowledgment than to present a Rose to the King yearly on the Feast of *John the Baptist*.

The Alien Priories vested in the King.

The House of Commons having complain'd of the evil Administration of Justice, and undue Government in *Shropshire*, and that by such Negligencies more Murders and Robberies were committed there than in any other County of *England*; the King, to remedy these Disorders, sent *Edward Duke of York* into that County, to see such a Grand Jury return'd, as would effectually inquire into such Outrages, and punish severely all that were guilty of them.

But, notwithstanding this Act against the *Lollards*, it was in this Parliament, at *Leicester*, that the Storm which had long been raising against the Clergy, had like to have broke out to some Purpose; had not the Wit and Policy of *Henry Chicheley*, then Archbishop of *Canterbury*, who succeeded *Arundel*, diverted the Danger. The House of Commons had again put the King in Mind, of what had been desired in Parliament four Years before, about converting the Lands and Possessions of the Clergy to the Service of the State (e).

Another Attempt of the Commons against the Clergy's Revenues.

' This Bill, says an old staunch Protestant Writer, made the fat Abbots to sweat; the proud Priors to frown; the poor Priors to curse; the silly Nuns to weep, and, indeed, all her Merchants to fear that *Babel* would down (f).' For, at this very Time the Clergy were more apprehensive of their Danger than ever, since they knew not what the active and bold Spirit of a young Prince, agitated by Counsels which had a natural Tendency to increase his own Greatness, might

(e) *FABIAN'S Chron.* Fol. clxxi. See before, P. 114.

(f) *HALL'S Chron.* P. 72.

might produce against them ; and, consequently, they ^{King Henry V.} were in a terrible Consternation. They once thought of fixing the King in their Interest, by the voluntary Present of a large Sum of Money ; but, some of the wiser Bishops considering that such an Appearance of Bribery would be indecent for Persons of their Character, and expose them to the Hatred and Scorn of the People, this Proposal was rejected. And as it had been concluded, in the last Synod at *London*, that the most effectual Course to avert the impending Storm, was to find the King some other Business to employ the Vigour of his Courage, which might otherwise prove dangerous to them ; it was therefore judged necessary to turn his Thoughts to War ; and to sollicit his Ambition by reminding him of the Crown of *France*, descended to him from *Edward II.* one of his Royal Progenitors. By a Representation of the just Right the King had to that Claim, it was hoped his enterprising Spirit might be stirred up to demand the Crown of *France*, as the undoubted Heir, and, upon Refusal, to attempt the Recovery of it by Arms. And, to make these Counsels more prevalent, they, also, agreed to make an Offer of a great Sum of Money to supply the necessary Expences of the War. Also, to give up all the Alien Priories in the Kingdom, to the Number of 110, who were possessed of Lands that would considerably increase the Revenues of the Crown.

Which is set aside by prompting the King to a War with France.

These Resolutions were soon after put in Execution ; for, we are told, that in this very Parliament, at *Leicester*, the Archbishop of *Canterbury* rose up, in the House of Lords, and addressed the King in Words to this Purport (g):

‘ We all know, Great Sir, with what Royal Wisdom and Care you have establish’d the Peace and Prosperity of your People, and we all enjoy the Blessings of your excellent Government : But while your Designs and Actions have been directed to our common Good, we have not done any thing for the
‘ Increase

The Archbishop of Canterbury’s Speech in favour of the said War.

(g) These Speeches, in Parliament, are all printed, at length, in *HALL’s Chronicle*, Fol. xxxvi. &c. and are but moderniz’d by Mr *Goodwin*. See, also, *Hollingshead*, P. 545. *Biondi*, P. 104, &c. *Speed’s Chron.* P. 626.

King Henry V. ‘ Increase of your Empire ; and among all the De-
 ‘ bates in this Honourable Assembly to make Laws for
 ‘ the Security of the Subjects Liberties and Privileges,
 ‘ we have neglected to consider how we may advance
 ‘ the Greatness of our King, and in him that of our
 ‘ Country too. Now, since I owe all my Fortune to
 ‘ your Favour, Gratitude, as well as the Duty of a
 ‘ Subject, obliges me to propound what I think may
 ‘ promote the Honour of so gracious a Sovereign, and
 ‘ enlarge his Power. You administer Justice to your
 ‘ People with a noble Equity, you are illustrious in the
 ‘ Arts of a peaceful Government ; but the Glory of a
 ‘ Great King consists not so much in a Reign of Serenity
 ‘ and Plenty, in great Treasures, in magnificent Palaces,
 ‘ in populous and fair Cities, as in the Enlargement
 ‘ of his Dominions ; especially when the Assertion of
 ‘ his Right calls him out to War, and Justice, not
 ‘ Ambition, authorizes all his Conquests. Your Ma-
 ‘ jesty ought to wear the Crown of *France* by a Right
 ‘ descending to You from *Edward III.* your illustrious
 ‘ Predecessor. That valiant King openly challenged
 ‘ his Right by Ambassadors, and when the *French*
 ‘ endeavoured to elude it by a pretended *Salick* Law,
 ‘ he bravely attempted to conquer by Arms what he
 ‘ could not obtain by a just Treaty. You have the
 ‘ same Title to demand that Crown, and the same
 ‘ Reasons to make War, upon a Refusal. I doubt
 ‘ not but they will oppose their imaginary *Salick* Law
 ‘ in like Manner against your Claim ; but I know ve-
 ‘ ry well, that as they contradict themselves in as-
 ‘ signing the Original of this Law, so if it were granted
 ‘ that there is such a one, yet *France* is not concern’d
 ‘ in it. ’Tis in vain to tell us, that ’twas made by
 ‘ *Pharamond* the Founder of their Monarchy, as if
 ‘ he could be the Founder of a Law which had no
 ‘ Name nor Being ’till above four hundred Years af-
 ‘ ter his Death : For then it was that *Charles* the
 ‘ Great returning from the Conquest of *Saxony*, Part
 ‘ of his Army pass’d the *Sala*, and seated themselves
 ‘ between that River and the *Elb*, and from the Name
 ‘ of the former were called *Salique Gauls*. This new
 ‘ Colony detesting the vicious Manners of the *German*
 ‘ Women,

‘ Women, made a Law, that none of that Sex should King Henry V.
 ‘ inherit Lands within the Bounds of their little Go-
 ‘ vernment. But what is all this to *France*? How
 ‘ will the *French* persuade us, that by virtue of this
 ‘ Law the Crown of that Kingdom must not descend
 ‘ to any Daughter of their Kings, if they do not first
 ‘ prove their Country to be situated between those two
 ‘ *German* Rivers? But tho’ all were true, which they
 ‘ report of this boasted Law, yet why should they use
 ‘ it as an Argument against the Right of our Kings,
 ‘ when they never made it any Bar in the Succession of
 ‘ their own? *Pepin*, who by deposing *Childeric* III.
 ‘ mounted the Throne, was acknowledg’d the next
 ‘ Heir as descended from the Princess *Blithilda*, Daugh-
 ‘ ter of *Clothair* the first; and *Hugh Capet*, who u-
 ‘ surp’d the Crown from *Charles* Duke of *Lorain* the
 ‘ next Male Heir, to give himself the Colour of a
 ‘ Title, asserted that he sprung from the Princess *Lin-*
 ‘ *garda*, the Daughter of *Charlemaign*. Thus *Lewis*
 ‘ the Ninth too, whom they honour as a Saint, neg-
 ‘ lecting the precarious Title of *Hugh Capet* his Grand-
 ‘ father, could sufficiently satisfy his Conscience and the
 ‘ Nation by deriving his Right from Queen *Isabella*
 ‘ his Grandmother, as descended from the Princess *Er-*
 ‘ *mingarde*, Daughter and Heir of *Charles* Duke of *Lo-*
 ‘ *rain*, whom *Hugh Capet* had depriv’d of his King-
 ‘ dom and Life. But were it certain that this Salick
 ‘ Law had from the Beginnings of the Monarchy been
 ‘ establish’d and inviolably observ’d in *France*, yet what
 ‘ Obligation can a Law have, which is contrary to the
 ‘ Commands of God, and the Customs of all other
 ‘ Nations, and so offends against all the Rules of Jus-
 ‘ tice and Reason? God declares, that if a Man died
 ‘ without Sons, the Inheritance should descend to the
 ‘ Daughter: And there never was a Law among any
 ‘ People in the World, which excluded the Daughters
 ‘ from the Rights of Children. The *French* alone vio-
 ‘ late the Statutes of Heaven, and slight all the Laws
 ‘ that are in force on Earth, that they may devolve
 ‘ the Right of their Crown on whom they please.
 ‘ But it is your undoubted Right, my Sovereign, and
 ‘ all the Powers of *France* will be too weak to oppose
 ‘ your

King Henry V.] ‘ your Possession, if you do but resolve to vindicate it.
 ‘ Consider therefore the just Title which you have to
 ‘ this Crown, devolv’d on you by Queen *Isabella*, your
 ‘ Great Grand-mother, Sister and Heir to three suc-
 ‘ cessive Kings of *France*, who died without Children,
 ‘ and take up noble Arms to assert so just a Cause!
 ‘ Advance your Standard into *France*, and with assur’d
 ‘ Hopes of Victory march to conquer those Domi-
 ‘ nions which are your own by Inheritance! There is
 ‘ no true *Englishman* but is ready to devote his Life
 ‘ and Fortune to so glorious a Service of his King.
 ‘ And in full Persuasion of the Justice of the War, we
 ‘ the Clergy have given such a Sum of Money to
 ‘ maintain it, as was never granted to any of your
 ‘ Predecessors, and will join all our Prayers for the
 ‘ Success of your Arms.’

When the Archbishop had ended his Speech (*b*), and the King seem’d mov’d with it, *Nevil* Earl of *Westmoreland*, who was High-Warden of the Marches toward *Scotland*, apprehending that the Country committed to his Government would be expos’d to the Incursions of that Nation, if the King should draw his Forces out of *England* for this Expedition, thus spoke to dissuade the War.

Which is op-
 pos’d by the Earl
 of *Westmoreland*.

‘ Tho, said he, I freely acknowledge myself of the
 ‘ same Mind with my Lord the Archbishop, as to the
 ‘ Glory that will be gain’d in conquering *France*, and
 ‘ the Advantages that may arise from the Acquisition of
 ‘ such a flourishing Kingdom; yet I cannot but ad-
 ‘ vise, that our Arms should be first turn’d on *Scotland*,
 ‘ that by subduing that People to the *English* Dominion,
 ‘ the whole Island may be brought under one Govern-
 ‘ ment. When all our Strength and Forces shall be
 ‘ united, when there shall be no Enemies to disturb
 ‘ us within the Bounds of this our little World, separat-
 ‘ ed from the other by the Ocean, then will be the
 ‘ proper Time to consider of foreign Conquests, and
 ‘ how we may extend the *English* Empire abroad,
 ‘ which, while we are unsecur’d at home, we cannot
 ‘ attempt with any reasonable Hopes of Success. It
 ‘ has therefore been the constant Practice of wise Go-
 ‘ vernments,

(*b*) *Hollingshead*, 546. *Biondi*.

vernments, who have prosper'd in enlarging their King Henry V.
 Dominions, first to subdue those People which border'd on them, before they advanc'd their Arms against the more remote. By this Method were the *Assyrian*, *Persian* and *Grecian* Monarchies raised to such Height of Power, that a great Part of the World was forced to bow to them. Thus the *Romans* establish'd a larger Empire than any of the former ; but they would have fail'd in the Attempt, if they had invaded more distant Nations, before they had subdu'd their Neighbours: But when by conquering the *Samnites*, the *Volsci*, the *Fidenates*, and other People around them, they had made themselves intire Masters of all *Italy*, they soon carried their victorious Arms thro' most Parts of the Earth. But what need I argue from Examples? It is reason sufficient against a War with *France*, that whenever to invade that Kingdom we shall draw the Strength out of our own, the *Scots* our ancient and inveterate Neighbours will bring Fire and Sword into the Bowels of our unguarded Country. And to put this past Question, I will only remind you of the old League between that Nation and *France*, by which, if either of them are invaded, they are bound mutually to assist one another. We have found them so punctual to their Agreement hitherto, that whenever we have transported our Armies into *France*, the *Scots* have enter'd our Country with dreadful Devastations. If then we must have a War with either of these People, let it be with *Scotland*, where all Things promise to us an easier Victory, their King being an honourable Prisoner in our Court, and the unseasonable Severity of the Duke of *Albany*, who governs in his Absence, having thrown that Nation into dismal Convulsions. But to invade *France*, what a vast Army is necessary ; what immense Sums of Money to raise and pay the Soldiers, and what a prodigious Fleet to transport them?

The Earl having ended the Duke of *Exeter* (i), But being supported by the Duke of Exeter ;
 the King's Uncle, who having been design'd by his Father

(i) *Hollingshead*, *Biondi*, &c. call him so ; but he was then only Earl of *Dorset*, tho' created Duke afterwards.

King Henry V. ther for the Church, had received a learned Education in the Universities of *Italy*, thus spoke in Answer.

‘ If I did not know, that the most effectual Course
 ‘ to destroy any Mischief, is to cut off the Root
 ‘ which feeds it; and if Experience had not taught all
 ‘ of us that *France* is the Spring which has nourish’d
 ‘ a perpetual growing Enmity in the Hearts of the
 ‘ *Scots* against us, I should advise that the *French* might
 ‘ be the last with whom we make War. But since
 ‘ they have always been industrious to render *Scotland*
 ‘ an irreconcilable Enemy, and to foment in the Minds
 ‘ of that Nation a fierce Hatred and Desire of Revenge;
 ‘ since they have on all occasions stirr’d ’em up to
 ‘ invade us, and by their Assistance have enabled them
 ‘ to do so; it is certainly the best Counsel, that by
 ‘ a vigorous War upon *France* we should strike at the
 ‘ Head of all these Mischiefs: For if that Kingdom be
 ‘ conquer’d, either the *Scots* will no more be our Ene-
 ‘ mies, their Hatred being no longer kept alive and
 ‘ cherish’d by the old Fomenters of it; or if they
 ‘ refuse to incorporate into one People with us, yet
 ‘ destitute of Succour from that Nation, they must
 ‘ without any lasting War submit to our Power. How
 ‘ will they be in a condition to fight us, when they
 ‘ shall want Arms to put into their Soldiers Hands, or
 ‘ Officers to lead ’em, all Supplies from *France* being
 ‘ cut off? And whither shall they have recourse for
 ‘ Aid, when that People is subdu’d by us? Not to
 ‘ *Denmark*, whose King is Brother-in-Law to ours;
 ‘ not to *Portugal* and *Castile*, for the Kings of both
 ‘ those Nations are allied to our Sovereign; not to
 ‘ *Italy* at so great a distance; not to *Germany* or *Hun-*
 ‘ *gary*, which are in League with us. Let us then
 ‘ begin the War with *France*, since we shall conquer
 ‘ two Nations with one Victory; and since a rich,
 ‘ fruitful and pleasant Country will be the Reward of
 ‘ the Conqueror. What tho’ the *Scots* may invade
 ‘ us, when our King with his Army is absent? Their
 ‘ Incursions surely will not be so dangerous, but that the
 ‘ Earl of *Westmoreland*, who is Warden of the Marches,
 ‘ with a few select Troops, will be able not only to
 ‘ make Head against them, but to give them a Re-
 ‘ pulse.’

The

The Duke's Arguments prevail'd with the King and King Henry V. his Brothers, who being all young and ardent of Glory, were impatient to signalize their Courage against the old Enemies of their Country: And the same gallant Spirit diffusing itself thro' the Minds of the other Nobles, they all declar'd for a War with *France*; War is declared which being thus resolv'd on, the Parliament was pro- accordingly. rogued to *Westminster*.

In this Parliament the King created his Brothers *John*, Duke of *Bedford*; and *Humphry*, Duke of *Glocester*; and *Richard*, Brother to the Duke of *York*, was also made Earl of *Cambridge* (l).

We have no Account of the Proceedings in this former Session of Parliament, at *Leicester*; nor of the Pro- rogation of it, as above, in *Cotton's* Records; but a new Parliament, which he says, was called to meet at *Westminster*, this Year, falls in exactly with the Histories, and goes on regularly with them for the future; the Writs bearing Date *September 26*, to be holden on the *Oblaves* of *St. Martin* following.

It having been our Custom hitherto, to exhibit a List of the Temporal Lords, once or twice in a King's Reign, we shall therefore give the Names of the Peers summoned to this Parliament (m). Anno Regni, 2.
1414.
At Westminster.

T <i>HOMAS</i> , Duke of <i>Richard Beauchamp</i> , Earl of <i>Clarence</i> , and Earl of <i>Warwick</i> .	
<i>Albemarle</i> .	<i>Richard de Vere</i> , Earl of <i>Oxford</i> .
<i>John</i> , Duke of <i>Bedford</i> , and Earl of <i>Kendale</i> .	<i>Thomas</i> , Earl of <i>Salisbury</i> .
<i>Humphrey</i> , Duke of <i>Glocester</i> , and Earl of <i>Pembroke</i> .	<i>John</i> , Earl-Marshal.
	<i>Thomas</i> , Earl of <i>Dorset</i> .
<i>Edward</i> , Duke of <i>York</i> .	<i>Michael de la Pole</i> , Earl of <i>Suffolk</i> .
<i>Richard</i> , Earl of <i>Cambridge</i> .	<i>Ralph Nevile</i> , Earl of <i>Westmoreland</i> ,
<i>Edward Courtney</i> , Earl of <i>Devonshire</i> .	<i>Edward</i> , Lord <i>Charlton</i> of <i>Powis</i> .
<i>Thomas</i> , Earl of <i>Arundel</i> .	<i>William</i> , Lord <i>Clinton</i> .
<i>Edmond</i> , Earl of <i>March</i> .	<i>Thomas</i> ,

(l) *HALL's Chronicle*, Fol. xxxvi. *J. Stowe*, P. 345.

(m) *COTTON's Abridgement*, P. 538. *DUGDALE's Summons to Parliament*, P. 394.

144 *The Parliamentary History*

King Henry V.	<i>Thomas, Lord de la War.</i>	<i>Richard, Lord Grey, of Co-</i>
	<i>Henry, Lord Scrope of Ma-</i>	<i>donore.</i>
	<i>sham.</i>	<i>Reginald, Lord Grey, of</i>
	<i>Henry, Lord Fitzhugh.</i>	<i>Ruthyn.</i>
	<i>William, Lord Ferrers, of</i>	<i>Peter, Lord Mauley.</i>
	<i>Groby.</i>	<i>William, Lord Zouch, of</i>
	<i>Thomas, Lord Morley.</i>	<i>Harringworth.</i>
	<i>Hugh, Lord Burnel.</i>	<i>Thomas, Lord Camois.</i>
	<i>Thomas, Lord Berkley, of</i>	<i>William, Lord Botreaux.</i>
	<i>Berkley.</i>	<i>John, Lord Latimer.</i>
	<i>John, Lord Welles.</i>	<i>Richard, Lord Strange.</i>
	<i>Ralph, Lord Cromwel.</i>	<i>Robert, Lord Poynings.</i>
	<i>Ralph, Lord Greystock.</i>	<i>Gilbert, Lord Talbot.</i>
	<i>Thomas, Lord Dacre, of</i>	<i>John, Lord Clifford.</i>
	<i>Gilfland.</i>	<i>John, Lord Talbot, of Fur-</i>
	<i>Robert, Lord Harrington.</i>	<i>nival.</i>
	<i>Robert, Lord Willoughby.</i>	
	<i>John, Lord Lovel, of Tich-</i>	No Lord-Warden of the
	<i>mersh.</i>	<i>Cinque-Ports in this List.</i>

On *November* the 19th, the Parliament met, and the King being seated on his Throne, in the *Painted Chamber* of his Palace at *Westminster*; by his Command, the Bishop of *Winchester* his Uncle, and Chancellor of *England*, opened the Session by a Speech; wherein he declared, ‘ That his Majesty would, that the Church, ‘ with all Corporations and Persons should enjoy their ‘ former Liberties. That the King not only endeavour- ‘ ed to govern the Realm wisely, but he was also ‘ strengthening himself to recover his due Inheritance, ‘ which, tho’ belonging to, yet had been a long Time ‘ withheld from his Crown; which Claim he was re- ‘ solved to prosecute even unto Death. And for the ‘ attempting such a mighty Exploit, great Provision ‘ was required.’

Then taking for his Subject, *Dum Tempus habemus operamur bonum*; he inferred from thence, ‘ That to ‘ every natural Disposition two Kinds of Times, or ‘ Seasons, were limited; for Instance, as to Trees, one ‘ Time of growing, and another Time of blossoming ‘ and bearing Fruit; to Man, one Time for Labour, ‘ and another for Rest; to Princes, the Heads of Men,

‘ a Time for Peace, and another for War. That the King Henry V.
 ‘ King finding his People in great Ease and Peace, had
 ‘ therefore the better opportunity to attack the Ene-
 ‘ my; to which he applied, *Dum Tempus*. That to
 ‘ such an high and noble Enterprize, some Things
 ‘ were absolutely necessary, as good Advice, Obedience
 ‘ of his Subjects, and a chearful Relief from them.
 ‘ That they ought to grant a larger Subsidy, consider-
 ‘ ing that their Prince and only Patron, would go
 ‘ in Person against the Enemy, and freely expose his
 ‘ Life to all the Dangers of the War; and concluded
 ‘ with desiring the Commons to choose a Speaker, and
 ‘ present him the next Day to the King.’ According-
 ly, they elected *Thomas Chaucer* Esq; and presented him
 in the usual Form.

Thomas Chau-
 cer, Esq; elected
 Speaker.

The Commons then proceeded to consider of the
 Supplies, and by the Assent of the Bishops and Lords
 granted to the King two whole *Tenths*, and two whole
Fifteenths, to be levied on the Laity. A Supply voted.

It was enacted likewise, ‘ That the King by his
 ‘ Council, should have Power to make Ordinances con-
 ‘ cerning the Coin, which should continue till the
 ‘ next Parliament’

Henry Percy, Grandson of the late Earl of *Northum-
 berland*, and Son to *Henry Hotspur*, slain at the Battle
 of *Shrewsbury*, being now of Age, and a Prisoner in
Scotland, presented his Declaration to the Parliament;
 in which he shew’d that the King had restor’d him to
 the Honour which his Father had forfeited by his Re-
 bellion, and had made him Earl of *Northumberland*:

Henry Percy re-
 stored to his Ti-
 tle and Estate.

He therefore requir’d a general Restitution to it in
 Blood, and that he might be restor’d to all the Heredi-
 taments which were intail’d, with free Entry in all of
 them, reserving to the King the Lands of Fee-simple.
 The King granted all to him, on condition that before
 his Entry into any of the said Lands, he should, by Mat-
 ter of Record in Chancery, prove the Lands intail’d:
 And his Majesty appointed Sir *Robert Umfrevile* to treat
 with the *Scots* about *Percy’s* Delivery, who, by the
 Earl of *Northumberland* his Grandfather, had been left
 with them as an Hostage. He confirmed also to *John*
Duke of Bedford, and to his Heirs Male, the Castle,
 K Earldom,

King Henry V. Earldom, Honour, and Seigniorie of *Richmond*, which *Ralph* Earl of *Westmoreland* held during his Life.

Acts for the Regulation of Justices of Peace ; In this Parliament it was enacted, ' That such Persons only should be made Justices of Peace, by the Advice of the Chancellor, and of the King's Council, who dwelt in the County in which they were to exercise their Office.'

The Clergy ;

That whereas, contrary to the Statute made in the Thirty-sixth Year of *Edward* III. forbidding any Parish Priest, or Yearly Priest, to take more than five or six Marks for their Annual Stipend, the Priests refus'd to serve under Ten Pound, Twelve Marks, or Ten Marks at the least: It was ordain'd, ' That no Yearly Chaplain should take above seven, nor any Parish Priest, retain'd to be a Curate, more than eight, but by Licence of the Ordinary, so as the whole Sum exceeded not nine Marks.'

And Juries.

In consideration of the Abuses that arose from such Persons serving on the Inquest and Jury, as (having nothing to live upon, nor to lose when convicted of Perjury) gave false Verdicts contrary to their Consciences, an Act was made, ' That no Person who had not in Land or Tenements forty Shillings yearly, should be admitted on an Inquest upon Trial of Life and Death, nor on any other Inquest in Pleas Real or Personal, of which the Debt and Damages declar'd amounted to forty Marks, but upon the Parties concern'd challenging him should be rejected.

By Authority of this Parliament, *Richard*, who was Son and Heir to the Earl of *Cambridge*, beheaded at *Southampton* for High-Treason the Year before, was restored to Blood, and created Duke of *York*. This Prince was the sole Heir to the House of that Name, and some time after married *Cicily* Daughter to the Earl of *Westmoreland*, by whom he had *Henry*, who died young; *Edward*, afterwards King; *Edmund*, Earl of *Rutland*; *Anne*, Dutcheß of *Exeter*; *Elizabeth*, Dutcheß of *Suffolk*; *George*, Duke of *Clarence*; *Richard*, Duke of *Glocester*, afterwards King; and *Margaret*, Dutcheß of *Burgundy* (b).

The

(b) FABIAN'S *Chron.* Fol. CLXXIIII.

The King had been sufficiently moved with the King Henry V. Reasons given in the Parliament at *Leicester* for making his Claim to the Crown of *France*, and his great Courage and Spirit now spurred him on to attempt the Conquest of that Kingdom, if his Demands were not accepted. The Subsidies granted, by the Clergy and Laity, to enable the King to begin this great Enterprize, amounted, in the whole, to a very large Sum; and, if we may believe an old Historian, to no less than three hundred thousand Marks Sterling. By which means great Levies of Men were made, successfully, in all Parts of the Kingdom.

But, to gain a more specious Pretence for War, it was necessary first to offer Peace; tho' upon such Terms as *Henry* knew well enough would not be accepted. There had been some time before a Treaty of Marriage set on foot between this young Monarch and the Princess of *France*, who is said to have been a Paragon of Beauty; but now *Henry* much enlarged his Demands with the Princess; and by his Embassadors to the Court of *France*, insisted on a Restitution of all those Provinces, which his Predecessors had ever enjoyed in that Kingdom. How desirous soever the *French* Court was of an Alliance with *England*, and marrying their Princess to a young and potent King, yet the restoring these Provinces, was a very disagreeable Article, and could never be reconciled to their Politicks.

Accordingly, all Treaties of Peace were broke off upon it, and the King of *England* made mighty Preparations, both by Sea and Land, to invade *France*, and assert his Right to that Kingdom by the *Ratio ultima Regum*. The French War prosecuted with great Vigour.

To the particular Writer of this King's Life (c), and to the more general Historians, we must refer for a Description of the glorious Exploits performed by this magnanimous Hero in *France*; of which, the ever-memorable Battle of *Agincourt* has employed their Heads and Pens to some purpose. After *Henry's* Return to *England*, and his triumphant Entry into his capital City of *London*, he presently called a Parliament; the Writs

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for

(c) *The History of the Reign of Henry V. King of England, by Mr. Goodwin, Fol. Lond. 1704.*

King Henry V. for which were dated *January 21st*, and returnable the 16th of *March* following. In the *Abridgment of Records* we find, that *John Duke of Bedford*, the King's Brother, who had been left Regent in his Absence, called two Parliaments; but there is nothing added, except the Names of the Peers who were summoned to them. It is remarkable, however, that there are not twenty Lords named in each Summons; the rest, we may well suppose, were gathering of Laurels with their heroic Sovereign in *France*.

Anno Regni 3.
1415.
At Westminster.

The Parliament met at *Westminster* on the 16th of *March 1415*, when the King sitting in his Royal Throne, in the *Painted Chamber* of the Palace, commanded the Bishop of *Winchester*, still Lord Chancellor, to open the Cause of the Summons; who, in the Presence of the three Estates of the Realm, first made the usual Declaration, that it was the King's royal Will and Pleasure that the Church and all other Persons and Corporations should enjoy their Liberties, and then took for his Text, *Vobis Viam*, &c.

In discoursing on which he endeavoured to demonstrate, 'That a Thing well begun and continued with Diligence, must have a prosperous Event, according to the Saying,

Dimidium Facti, qui bene cæpit habet.

'This he applied to the King's Successes, who had made so glorious a Beginning, by invading *France* to recover his Right, and an Inheritance derived from his Ancestors; who had pursued his gallant Enterprise in a continued Course of Victory, by the Conquest of *Harfleur*, and the Defeat of the *French*, in a general Battle at *Agincourt*. That it being only peculiar to divine Wisdom to foresee the End and Event of all Things, he entirely referred that to God; with great Hope of Success from so prosperous a Beginning. Which, that the King might be enabled to obtain, he had called this Parliament for their good Counsel and Assistance.'

Sir Walter Beauchamp chosen Speaker.

The Commons, retiring to their House, chose Sir *Walter Beauchamp*, Knight, for their Speaker; who, being allowed, they next, with the Assent of the Bishops and Lords, appointed that the *Tenths* and *Fifteenths*,

*teenth*s, granted last Parliament, should be paid sooner than was ordered. By the same Authority, it was enacted, ' That, considering the damnable Schism between the two Popes at *Rome*, all Bishops elect, and other Persons, should be confirmed by their own *Metropolitans*, upon the King's Writ, without farther Excuse or Delay.' King Henry V.

On the 8th of *April*, the King prorogu'd the Parliament to *Monday* in the third Week after *Easter*; when being again assembled, the Chancellor told them the Reason of the said Adjournment, was, not only on occasion of the devout Time, but that an honourable Peace had been offer'd by the *French*, and that the Emperor *Sigismund* was the Mediator in it; in which the Commons were desir'd to give their Advice. But, tho' this is here mention'd in the Records, they give us no farther Account about it. The other Transactions of this Parliament are all on less publick Affairs, no new Subsidy being either asked or granted; which may be owing to the great Riches the King had acquir'd, either by the vast Plunder at *Agincourt*, or the Ransom of Prisoners.

The following are the most remarkable Petitions in this Parliament:

Petition. ' That all Sheriffs, for the Fees of Knights coming to the Parliament, might enter into all Liberties, except the Demesnes of all Lords, and such Towns as find Burgessees. Petitions of the Commons.

Answer. ' The Statute made 12th *Richard II.* should be kept.

Pet. ' That all Sheriffs might be discharg'd in the Exchequer upon their Oaths.

Ans. ' The King will be advis'd.

Pet. ' That all Owners of Ships, during the Time of their being in the King's Service, might have three Shillings and four Pence in the Tun above the ordinary Freight.

Ans. ' The King would do according to Reason.

Pet. ' That all Men might go to the Parts of *Iceland* to fish freely, as they us'd to do.

Ans. ' The King will take Advice.

Pet. ' That all the Ordinaries thro' the Kingdom might,

King Henry V.

‘ might, by an assign’d Day, enquire, and certify in
 ‘ to Chancery, the Foundations of Hospitals, with
 ‘ all Circumstances, that Redress might be made in
 ‘ this Business.

Ans. ‘ The Statute made at *Leicester*, 2d *Hen. V.*
 ‘ shall be observ’d.

Pet. ‘ That the King’s Purveyors do take eight
 ‘ Bushels of Corn only to the Quarter, strik’d; and
 ‘ that they take up no Provision in the Market, with-
 ‘ out the Good-will of the Party, and ready Pay.

Ans. ‘ The Statutes made for that Purpose shall be
 ‘ kept.

Pet. ‘ That some Remedy might be found for the
 ‘ Relief of the poor Clergy, much wasted, because the
 ‘ Universities swarm’d with new Learning, by reason
 ‘ of the Statute of Provisors, which caus’d the old
 ‘ Faith to be neglected.

Ans. ‘ At the King’s Motion, the Bishops pro-
 ‘ mis’d to provide a Remedy for this Business.

Pet. ‘ That the Penalty of suffering any Prisoner
 ‘ to escape, who was guilty of counterfeiting, washing,
 ‘ or clipping Money, might be a hundred Pound.

Ans. ‘ The Penalty shall be arbitrary as before.

Pet. ‘ That all Writs of *Subpœna*, and *Certis de*
 ‘ *Causis*, going out of the Chancery and Exchequer,
 ‘ might be controll’d, and not granted in Matters de-
 ‘ terminable at the Common Law, on Penalty of the
 ‘ Plaintiffs paying forty Pounds by Way of Debt to the
 ‘ Defendant.

Ans. ‘ The King will be advis’d.

Acts passed.

It was also enacted in this Parliament, ‘ That where-
 ‘ as several *Bretons* were come into the Kingdom,
 ‘ either as Spies, or to carry Money and Jewels
 ‘ out of the Nation, all of them not naturaliz’d,
 ‘ were, by Act of Parliament, requir’d to go out of
 ‘ the Land, before *June 24* ensuing, upon capital
 ‘ Penalty.’ This was because the Duke of *Bretagne*
 was Confederate with the King of *France*.

And whereas Provisions of Benefices from the Pope
 had been made use of, to exclude from the said Bene-
 fices the Incumbents, who by the Gift of the Patron
 had long enjoy’d them; it was therefore ordain’d by
 another

another Act, ‘ That no Incumbents should be molested under Pretence of any such Provisions of the Pope ; that whoever disquieted them, should incur the Penalties contain’d in the Statutes of Provisors before made ; and that they should be prosecuted by Process of *Præmunire facias* form’d against them ; and that the Person who su’d them should recover treble Damages.

Another Act pass’d, to make Clipping, Washing, and Filing of Money, Treason : And whereas, (by reason that it belong’d only to the King’s Justices before himself, or by special Commission assign’d, to judge and punish this Crime) it was so boldly and generally practis’d, that the Destruction of all the Coin was unavoidable, if hasty Execution and Remedy were not provided ; it was therefore enacted in another Statute, ‘ That the Justices assign’d to take Assizes, in all the Counties of *England*, should have Power by the King’s Commissions to hear, and determine in their Sessions, all such Causes concerning the debasing or falsifying the Coin of the Nation.’ And whereas, contrary to the Custom in the Days of *Edward III.* when no more than Half a Crown, or a Crown at the most, was paid for proving a Will, the Ordinaries did now take forty or fifty Shillings : It was therefore ordain’d by another Act, ‘ That no Ordinary should take above that old customary Rate for the Probate of any Testament, upon Penalty of forfeiting to the agriev’d Person treble the Sum so receiv’d.’ This Statute was to stand in Force only to the End of the following Year.

These Acts being pass’d, and *Henry*, the Grandson of *Henry Percy*, Earl of *Northumberland*, who had so long been an Exile in *Scotland*, and who, in the Parliament held at *Westminster*, in the Second Year of this King’s Reign, had been restor’d to his Honours and Lands, having now in the House of Lords done Homage to the King sitting in his Chair of State, this Session ended.

Next Year great Preparations being made, on both Sides, to carry on the War again with Vigour. The *English* King found himself obliged to call a Parliament,

King Henry V. liament, in order to raise Supplies for that Purpose ; and Writs were sent out dated at *Sandwich*, *October* 9, just after the King's second Landing from Abroad, for one to meet at *Westminster* on the 19th of the same Month ; the pressing Exigencies of the State requiring such a speedy Summons.

Anno Regni 4.
1416.
At Westminster.

On the Day of the Meeting, the Bishop of *Winchester* opened the Session with the usual Formalities, and after quoting for his Theme this *Latin* Sentence, *Operam detis ut quieti sitis*. He alledged, ' That as ' God had in six Days created all the World, and ' rested the seventh ; so the King, agreeable to his ' Coronation Oath, had, in *five* former Parliaments, ' endeavoured to establish good Laws for just Admi- ' nistration at Home, and the securing of an honourable ' Peace Abroad. But that the *French* were so little ' inclined to comply with the reasonable Terms of- ' fered them, that they refused to render the *English* ' Prisoners taken at the Battle of *Agincourt*, or to ' ransom their own. That the King provoked at the ' obstinate Injustice of an Enemy, who resolved not ' to do him Right in any Thing, was constrained to ' attempt the Recovery of his own by Force of Arms. ' And since, said he, this is his Majesty's just Resolu- ' tion, and that there is, indeed, no other way to ' bring his Enemy to Reason, *Bella faciamus ut Pacem ' habeamus, quia Finis Belli Pax est* ; he is determined ' to use Violence, and purchase that Peace, with the ' Sword, which is not to be otherwise obtained.' He concluded with telling them, that the King intended to make use of their Counsel, and required them to chuse and present their Speaker to him.

Roger Flower,
Esq; elected
Speaker.

On the third Day of the Session the Commons pre- sented *Roger Flower*, Esq; who was accepted ; and to shew their great Zeal for the Cause the King was engaged in, with the Consent of the Lords, they granted two whole *Tenths* and two *Fifteenths* to be levied on the Laity ; the Clergy, also, granted two *Tenths* on their own Body. But all this being not sufficient, or thought too dilatory for the King's pressing Occasions, at the same time it was enacted, ' That all Persons who ' would lend any Sums of Money to the King, should have

‘ have Letters Patent to be paid out of the first Money raised by the Subsidy ;’ and the Dukes of *Clarence*, *Bedford*, and *Glocester* stood engaged for the Performance of this, in case the King should die : Upon which many of the Bishops and Lords, whose Names are in the Parliament Rolls, readily subscrib’d ; yet all was so deficient, that the King was necessitated to pawn the Crown to *Henry Beaufort*, Bishop of *Winchester*, for a vast Sum, and to borrow a thousand Marks of the Lord-Mayor of *London*, upon the Security of many rich Jewels (d).

The Crown and King’s Jewels pawned for carrying on the War against France.

At this time his Majesty was pleased to grant a general Pardon for all Crimes which did not concern Life, or Loss of Members.

An Act for a General Pardon, and several others, passed.

An Act was also passed, ‘ That all Sheriffs should have allowance upon their Accounts by Oath.’ This had been petitioned for by the Commons in the former Session.

Also, whereas by an Act made 12 R. II. certain Rates of annual Wages for Bailiffs and other Servants of Husbandry were settled, and a Penalty ordain’d for any who gave or took more ; by an Act now it was establish’d, ‘ That the Taker only should incur this Penalty.’

Another Act ordain’d, that none of the *Irish* Nation should be elected an Archbishop, Bishop, Abbot, or Prior ; and that whoever promoted such to those Ecclesiastical Preferments, or brought any such *Irish* Rebels to Parliaments, Councils, and other Assemblies among the *English*, should have all their Temporal Estates seiz’d into the King’s Hands, till they had paid the Fines due for such Offences.

There was also an Act of Pardon, by which all Forfeitures, Fines, Debts and Demands, not exceeding Twenty-six Shillings and Eight-pence were remitted, and all Trespasses, Offences, Conspiracies, &c. pardon’d.

Besides these, and some other less remarkable Acts, the

(d) *Henry Beaufort*, Bishop of *Winchester*, on his own Account, lent the King 20,000 l.

King Henry V. the League and Alliance between the King and the Emperor *Sigismund*, was confirm'd by the whole Assent (e). And on the last Day of the Session, the King sitting on his Throne in full Parliament, created *Thomas Beaufort*, who was Earl of *Dorset*, Duke of *Exeter*, who had also a thousand Pounds confirm'd to him, to be paid yearly out of the Exchequer, and forty Pounds out of the Customs at *Exeter*. The Lords so approved of this Example of the King's Liberality, that they said no Objection could be made, but only that it was too little, and not proportionable to the Merits and Services of that noble Person (f).

In this Session Sir *John Tibetot*, who had so much distinguish'd himself as Speaker of the House of Commons in the last Reign, was appointed the King's Resident at the Imperial Court.

Henry, by the Assistance of his Parliament, having again raised Money for the Support of the War, and resolving to invade *France*, early next Spring; great Levies of Men were made for that Purpose. He caused Proclamation to be made, that all Soldiers, who would serve him in his Wars, should have twenty-five Crowns a Month; and invited them to partake in his Conquests, which, in all Appearance, would this Year be very considerable. Other Means he took to render his Army formidable; but, it was not till *July*, 1417, that he could get all ready to embark, and he landed his Army at *Beville*, in *Normandy*, a few Days after, in spite of all Opposition.

An Invasion of the Scots defeated.

John Duke of *Bedford* the King's Brother was left Regent during his Absence; and whilst this victorious Monarch was gaining many Victories and Towns in *France*, the *Scots* thought proper to invade the *English* Borders; but, by the Conduct of the Regent, they were soon driven

(e) This Emperor came over to *England*, and employ'd his best Endeavours to mediate a Peace between the Crowns of *England* and *France*; but they all proved ineffectual, and all he could do was to settle a lasting Peace, on several Articles, between himself and the Crown of *England*. There is an Instrument in the *Public Acts*, under this Title; and refers to the next Parliament. *Allegantia cum Rege Romanorum, pro Forma Tractatus inde habiti, Confirmatio in Parlamento. Dat. Vicesimo nono Die Octobris Reg. 4to, Fœd. ANG. Tom. IX. P. 403.*

(f) He was Son to the Duke of *Exeter*, beheaded at *Chester* for a Plot in the last Reign.

driven back again with Shame and Loss. After the King Henry V. Nation was thus delivered from the Dangers of this Invasion, the Duke thought proper to call a Parliament, the Writs bearing Date *October 5*, and to sit the 16th of *November* following, at *Westminster*.

At which Time and Place being assembled, in the Anno Regni 5.
Painted Chamber before the Regent, *Thomas Langley*, 1417.
Bishop of *Durham*, then Lord Chancellor, declared At Westminster.
the Cause of their Meeting, and took for his Theme,
Confortamini et viriliter agite, et gloriosi eritis. ‘ On
‘ which Words he took occasion to expatiate, and to
‘ set forth their Happiness and Glory in the Reign of a
‘ King, who, during his Father’s Life, had suppress’d
‘ the Rebellion of the *Welch*; and, since he came to
‘ the Crown, had defeated the dangerous Conspiracies
‘ formed against the Church, and against his own Per-
‘ son and Government. Who had been so prosperous
‘ in War by the Conquest of *Harfleur*, and the Vic-
‘ tory at *Agincourt*, and who now with continued
‘ Successes, was subduing *Normandy* to the *English*
‘ Dominion. That the chief Causes of their Meeting
‘ were to provide for the keeping of the Peace at home,
‘ and due Observation of the Laws; to make Provi-
‘ sion for the Support of the War, and to take Care
‘ for the Defence of the Marches of *Scotland*. That in
‘ all these Things it would become them *viriliter a-*
‘ *gere*, to act strenuously; which, if they did, he then
‘ assured them of Honour and Glory; considering,
‘ *Renumeratio Virtutum est Honor.*’ He concluded, as
usual, with desiring the Commons to chuse their
Speaker, and present him next Day to the Duke Re-
gent. Accordingly on the third Day of their Sitting, Roger Flower,
Roger Flower Esq; was, again, elected; who, with Esq; again chosen
the common Protestation, was allowed. And, as a Speaker.
Testimony of their hearty Attachment to the King’s
Interest, and Zeal for the War, the Commons with the
Assent of the Bishops and Lords, granted to his Ma- A Subsidy
jesty a *Tenth*, and one *Fifteenth* (g). granted.

We

(g) *Sed Pecunia imprimis imperatur, quo Sumptus in Copias suo Tem-
pore fiant; nempe nullus erat, cui id Bellum non maxime Cordi esset,
videreturque tam utile quam opportunum,*

King Henry V.

We shall conclude the Transactions of this Parliament with an Affair of an extraordinary Nature, which came before the Lords; and first give what the Record relates about it.

Proceedings against Sir John Oldcastle, Lord Cobham.

‘ On *Tuesday* the Eighteenth of *December*, and the
 ‘ Twenty-ninth Day of this Parliament, Sir *John Old-*
 ‘ *castle*, of *Cowling* in the County of *Kent*, Knight,
 ‘ being outlawed upon Treason in the *King’s-Bench*,
 ‘ and excommunicated by the Archbishop of *Canter-*
 ‘ *bury*, for Heresies, was brought before the Lords;
 ‘ and, having heard his said Conviction, answered not
 ‘ thereto in Excuse: Upon which Record and Process
 ‘ it was adjudged, that he should be taken as a Traitor
 ‘ to the King and Realm; that he should be carried to
 ‘ the Tower of *London*, and from thence drawn thro’
 ‘ *London* to the new Gallows in Saint *Gyles’s*, without
 ‘ *Temple-Bar*, and there to be hanged, and burned hang-
 ‘ ing.’ The Record out of the *King’s Bench* is at
 large; the Effect whereof is, ‘ That the said Sir *John*
 ‘ *Oldcastle*, and others, to the Number of twenty Men,
 ‘ called *Lollards*, at Saint *Giles’s* aforesaid, did conspire
 ‘ to subvert the State of the Clergy, to kill the King,
 ‘ his Brothers, and other Nobles.’ The Archbishop
 of *Canterbury’s* Instrument for his Excommunication,
 is there also at large (*b*).

And a Motion being made, that the Lord *Powis*
 might have the Thanks of the House, and the Reward
 in the Proclamation mentioned, for apprehending of
 Sir *John Oldcastle*, Knight; the Heretick; it passed in
 the Affirmative. *Quid vultis mihi dare*, cries out *Wil-*
liam Prynne at this Passage; ‘ The Brother of *Judas*
 ‘ craveth his Reward for betraying the Innocent;
 ‘ wherein it is not to be doubted but that his lighter
 ‘ Reward in this World was heavily revenged of
 ‘ God (*i*).’

He

(*b*) *Cotton’s Abridgment*, P. 553. Mr. *Goodwin*, the Writer of *Henry*
 the Fifth’s Life and Reign, in the Recital of the Contents of his
 Fourth Book, P. 150, mentions the Trial of Sir *John Oldcastle* Lord
Cobham, in Parliament, as an Article; but gives not one Word of it in
 the Chapter.

(*i*) *Cotton, ibidem.*

The Price set on *Oldcastle’s* Head, by the King’s Proclamation, was
 1000.

He adds, 'The Clergy at this *their own Parliament*, King Henry V.
' cease not to rage, and roar after Christian Blood,
' *tanquam Leones rugientes* ; and whosoever did the
' Fault, they cry *crucify Christ*, and deliver us *Barra-*
' *bas* ; for now all horrible Mischiefs whatsoever were
' imputed to the poor *Lollards*.'

Thus far Sir Robert Cotton, and his Publisher.

What we have to add, relating to the Condemnation of this great Man, by his Peers, is chiefly from *Walsingham* ; who, tho' a Co-temporary Historian, yet being a Monastic Writer, we may well suppose too partial in the Recital (*k*). He says, that,

When the Parliament was informed of Sir John Oldcastle's being taken in *Wales* by the Lord Powis, they ordered him to be sent for up. He was brought to *London* in a Horse-Litter, having been much wounded in the Conflict, and placed before the Duke Regent and the other Estates of the Realm ; and the Indictment drawn up against him at the King's Bench, some Years before, for levying War against the King, was read in the House. Being demanded what he could alledge in Arrest of Judgment ; he ran out into a Discourse very foreign to the Purpose, about God's Mercies ; and that all mortal Men, who would be Followers of God, ought to prefer Mercy above Judgment ; and that Vengeance pertained only to the Lord, and that his Servants ought not to intrench upon this Prerogative of the Almighty. Thus he went on, says our Authority, talking widely from the Business, till, at last, the Chief Justice desired the Regent to order the Prisoner not to make them lose any more Time, but to answer directly to the Point. After some Pause he told them, it was a small Thing for him to be judged by them, or of Man's Judgment ; and then began again to ramble from the Question, when the
Chief

1000 Marks ; with a Promise of perpetual Exemption from Taxes to any Town that should secure him. *FÆD. ANG. Tom. IX. P. 89.*

Walsingham makes use of this Proclamation as an Instance to shew how generally *Wickliffe's* Doctrine had affected the Minds of the People, that in so long time there was not found any Man, whom so great a Reward could tempt to betray him.

(*k*) *Walsing. Hypodig. Neust. P. 590.* See also *J. Stowe's Chron. P. 355.*

King Henry V.

Chief Justice once more interrupted him, and bid him answer peremptorily, if he had any Thing to object against the Legality of the Process? To this he replied, with a surprising Boldness, *that he had no Judge amongst them, nor could acknowledge them as Judges, as long as his Sovereign Lord King Richard was living in Scotland.* Upon this Answer, a Warrant was instantly signed for his Execution, and he was ordered to be hanged and burnt. The first Part of his Sentence was for Treason; and the other for Heresy. Accordingly he was executed on a Gallows, built on purpose in St. Giles's Fields, being hung by the Neck in a Chain of Iron, and his Body, with the Gallows, consumed to Ashes.

Though this unhappy Nobleman's Paternal Name was *Oldcastle*, yet by marrying the Lady *Joan* Grand-Daughter to *John* Lord *Cobham*, and his Heir, he took the Title of Lord *Cobham*. He was Sheriff of *Herefordshire*, in the eighth Year of *Henry IV.* and as a Peer had Summons to Parliament among the Barons in the (k) eleventh, twelfth, and thirteenth of that King's Reign, and in the first Year of *Henry V.* He had been honour'd by *Henry* the Fourth with a considerable Command in those Troops, which in the twelfth Year of his Reign was sent over to assist the Duke of *Burgundy* against the Duke of *Orleans*.

In several Parliaments (l) he had frequently represented to three Kings successively, viz. *Richard* the Second, *Henry* the Fourth, and *Henry* the Fifth, the insufferable Abuses committed by the Clergy.

In 1391, he made a Speech in Parliament against the Pope's Power, and against the Removal of Causes to *Rome* to be tried there; upon which an Act pass'd, 'That no Person should transfer his Suit to the Pope, 'nor publish any Excommunications from him, on 'Penalty of Confiscation of Goods, and perpetual 'Imprisonment.'

In 1395, and in 1405, he had presented to the Parliament several Discourses, concerning a Reformation of Discipline and Manners in the Church.

In

(k) DUGDALE's *Summons to Parliament*, P. 381, 3, 5, 9.

(l) BALÆUS *de Script. Britan.*

In 1395, he presented a Book of his own Compo- King Henry V.
sure to the Parliament, in which he display'd the corrupt Manners of the Priests, and annex'd some Verses to expose their abominable Practices, and to excite the Justice of the Magistrates to punish them.

Many are the Disputes between the Protestant and Popish Writers, about the Character of this Nobleman, who was the first Peer of *England* that suffered for Religion (m). The former crying him up as a Martyr to Truth; and the latter treating him with no better Titles than an Enthusiast, a Rebel, and an Heretick. Mr. *Goodwin* says, 'He had all the Qualities of a brave and gallant Gentleman, and was equally illustrious in Arts and Arms: ' But, if what *Walsingham* relates of his Behaviour at his Execution be true, that when many Persons of Quality attended there, the last Words he spoke was to Sir *Thomas Erpingham*, adjuring him, *that if he saw him rise from the Dead again, on the third Day, he would procure that his Sect might live in Peace and Quietness* (n); We can look upon him, in this latter Part of his Life, as little better than an Enthusiast.

In this Session the Letters Patent made for the Bishop of *Winchester*, for one and twenty Marks to be levy'd out of the Customs of all Staple Wares sent from *Southampton*, to satisfy the Sum which he had lent the King for the War, were confirm'd by this Parliament.

A grievous Complaint being made of Insurrections, of which the *Lollards* were suspected to be the Authors and Abettors, and a Petition being presented that Commission at all times might be granted to enquire after them; Answer was given, 'That the Statutes provided in that Case should be executed.'

There was also a Motion offer'd, that no Collector for the Clergy should be appointed out of his Deanry: To which this Answer was return'd, that the Clergy should appoint their Collectors.

The

(m) *FOXES Acts and Monum.* P. 740, to 774. *State Trials*, Vol. I. *COLLIER'S Ecc. Hist.* P. 647, &c.

(n) *Adjurans eum, ut si cerneret eum resurgere Die tertia, Pacem procuraret Sectæ suæ.* *Walsingham* 400.

King Henry V.

The King's
great Success in
France.

The next Year was wholly taken up with the gallant Actions and Conquests in *Normandy* and *France*, performed by our young *English Alexander*; and concluded with the taking of the large and strong City of *Roan*, the Capital of *Normandy*; after which, the rest of the Towns, yet untaken, in that Province, easily submitted themselves to the victorious King. It was not till the Year 1419, that we meet with another Parliament, called in *England*, by the same Authority as the former; for Writs of Summons were issued out, in the Regent's Name, dated *Aug. 24*, for a Parliament to meet at *Westminster*, on the 16th of *October* following.

Anno Regni 7.

1419.

At Westminster.

On the same Day the Bishop of *Durham*, Lord Chancellor, declared the Cause of the Summons, before the Regent and the other Estates of the Kingdom, and said, 'That the King's Subjects had great Reason to
'revere him, and pray for his Welfare; since, as he
'could not obtain that Peace, which he so often sought
'for, he had begun and carried on War, *Timore Dei*,
'which, being *Principium Sapientiæ*, the Effects of it
'were evidently shewn, by the many Victories he had
'gained with Honour:' All which he took care, particularly, to enumerate. For his Theme he took these Words, *Bonum facientes non deficiamus*; and from thence told them, 'That his Majesty was in good
'Health and Spirits, that he desired his Subjects would
'be careful to observe the Laws, and provide for the
'Defence of the Realm; and, considering, that this
'Enterprize so well begun could not be now left off
'without imminent Danger, he expected new Provi-
'sions to be made, that he might end the War to his
'own Honour and their Advantage.'

Roger Flower,
Esq; a third
Time chosen
Speaker.

After the Receivers and Triers of Petitions, for *England*, *Ireland*, *Wales* and *Scotland*, with *Gascoigny*, and the other foreign Dominions, were appointed; the Commons presented *Roger Flower*, Esq; once more, as their Speaker; and, on *November* the 13th, they, with the Bishops and Lords, granted to his Majesty one *Fifteenth* and one *Tenth*, and one half Part of them both.

The

The like Order was taken for the Payment of King Henry V. such who should lend Money to the King, as had been observ'd in the fourth Year of his Reign. There were twenty-three Lords, whose Names are in the Roll, who made their Subscription. A Loan.

It was also enacted, ' That the Lords of the Council should have Power to establish Orders touching the Coin.'

And for the keeping the Money within the Nation, it was enacted, ' That all Necessaries should be bought at Home for the King's Soldiers, and sent to them; and also that certain Wools should be bought, and sent into *Normandy*, notwithstanding any Statute for the Staple made to the contrary.'

The Queen Dowager's Confessor having accused her for conspiring the Death of the King, it was ordained ' That all the Lands and Goods of *Roger Doller* and *Petromel Brocart*, her Sureties, should be seized, and paid to the King; and sufficient Warrant was provided for all who should pay the same(n).'

In the Year 1420, and the 8th of this King, the *French War* was brought to a Conclusion, by a Marriage between the Princess *Catherine of France*, and Henry marries Catherine of France. *Henry King of England*; whereby *Henry* was declared Regent and Heir-Apparent to the Crown of *France*.

In the *Abridgment of Records*, there is a List of the Peers summoned to a Parliament to be held at *Westminster* on the second Day of *March* this Year; but no farther Account is given of it. But the Statute-Books tell us, that a Parliament met on the second Day of *December* in the 8th of this King; and that in this Session a remarkable Statute was made, occasioned by the Peace then concluded between the two Kings; whereby it was enacted, that, ' Whereas the Government of *France* was devolved on King *Henry*, which would require his frequent Absence from *England*; therefore, if a Parliament should be summoned by the Writs of the King's Lieutenant, and the King arrive soon after these Writs were issued out of *Chancery*, yet that Parliament should not be dissolved. Anno Regni 8. 1420. At Westminster.

VOL. II.

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' solved.

(n) For an Account of Queen *Joan's* Conspiracy, see *Goodwin's History of Henry the Fifth.*

King Henry V. 'solved, nor new Summons made, but that it should
'meet by vertue of the former (o).'

Another Act was passed, by which all foreign Merchants, buying Wool in *England*, to transport into other Parts, were obliged to pay into the Mint of the Tower an Ounce of Gold Bullion; and for three Pieces of Tin the same, or the equal Value in Silver Bullion, upon Penalty of Forfeiture of their Goods.

Anno Regni 9.
1421.
At Westminster.

The next Year King *Henry*, covered with Laurels, returned to *England*, and found the Nation flourishing and prosperous, under the Government of *Humphrey* Duke of *Gloucester*, his Brother; who had succeeded *John* Duke of *Bedford* in the Regency, and managed all Affairs with equal Wisdom and Success. In *May*

1421, the King met his Parliament at *Westminster*, and, with his own Mouth, represented to them the State of Affairs, 'What Conquests he had made in
'*France*, and what Supplies were necessary to continue
'the War. That the Dauphin, and his Party, who
'maintained some Cities and Provinces against him,
'being subdued, that Kingdom might be entirely annexed to the *English* Crown (p).'

A Subsidy

The Commons agreed to give him a *Fifteenth*; tho' a Petition was presented, filled with sad Complaints of the People's Poverty, and intolerable Burden of the War, and that even his Conquest of *France* would prove the Ruin of *England*. This was done by some Persons, says an Historian, who, more affecting their own private Interest, than the Prosperity of their Country, regretted to part with any Money to advance the Greatness and Honour of the Government (q).

But some discontented at it.

However, this Hint is sufficient to shew, that tho' the King had gained Victories and made great Acquisitions Abroad, yet there were some of his Subjects at Home, who thought them too dear bought, by the many Taxations which had been imposed for their Support of a War not likely, in the End, to prove beneficial to the *English* Nation. M. *Rapin* remarks, that to gain the before-named Subsidy, the King had laid

(o) Stat. at large, An. 8. Hen. V. Cap. 1, 2.

(p) HOLLINGSHEAD'S Chron. 580.

(q) WALSINGHAM, P. 404.

laid before the Parliament a State of the Revenues and King Henry V.
Expences of the Crown (*r*). By this Account, a
Fragment whereof is inserted in the Collection of *Pub-
lic Acts*, it appears that the King's annual Revenues, at
this Time, amounted but to Fifty five Thousand seven
Hundred and forty three Pounds Sterling; and that the
ordinary Expences ran away with Fifty two Thousand
two hundred and thirty five Pounds; so that there re-
mained but three Thousand five hundred and Eight
Pounds, to provide for at least a Dozen extraordinary
Articles mentioned in the Account (*s*). One half of
France was still unconquered, and the Provinces sub-
ject to the *English* so drained, that there was no Pros-
pect of drawing from thence the necessary Supplies for
continuing the War; for which Reason the Burden
was still to fall upon *England*. Wherefore the above-
named Petition must have been very disagreeable to the
King; by which it appeared that the Parliament grew
weary of furnishing Money at this Juncture too, when
it was more necessary than ever, by Reason of a Diver-
sion the Kingdom was then threatned with from the
Scots. An ancient Chronicle relates, that, to relieve
the King in this Exigency, his Uncle, the rich Bishop
of *Winchester*, lent him another 20,000 *l.* on the Subsidy,
lest the Commons should be called upon too soon
for the Money (*t*). But it does not add, that the Pre-
late was wary enough to take the Crown in Pawn for
his Loan; and this is settled as the real worth of it at that
Time (*u*). Though it is scarce the Value of one of the
Jewels belonging to the Crown of *England* at this Day.

During this Session, there was a Convocation of the
Clergy at *St. Pauls*, who gave the King a Tenth on
these Conditions, ' That the Purveyors of his Majesty's
' Household should not meddle with the Goods or Pos-
' sessions of the Clergy. That if any of that Body were
' accus'd of a Capital Crime in the King's Courts of
' Judicature, they might upon Bail be freed from Im-
' prisonment; and that all *castrated Priests* should be
' proceeded against in Law as Felons.'

L 2

But

(*r*) *Hist. of Eng.* Fol. Ed. P. 527.(*s*) *Fæd. Ang.* Tom. X. P. 113.(*t*) *Fabian's Chron.* Fol. CLXXVII.(*u*) *Fæd. Ang.* Tom. X. P. 190.

King Henry V.

A Peace with
France.

But tho' the Parliament was so backward in giving Money towards carrying on the War, yet the very next Thing they went upon, was to declare their Approbation of the Peace concluded at *Troyes*, between King *Henry* and the King of *France*, to give their Consents, and promise to observe it. And since that Peace had, not only been sworn to, and ratified by the two Kings, but, also, by the three Estates of *France*; the Lords and Commons of *England* would have it confirm'd, in the same solemn Manner, in Parliament. Whereupon *Thomas Langley* Bishop of *Durham*, Lord Chancellor, having, by the King's Order, read the Articles of it, both Houses of Parliament avowed, that they approved and accepted it, as most conducive to the Good of both Nations, and of all *Christendom*; and every one promised for himself, his Heirs and Successors, that they would inviolably observe it (x).

During the sitting of this Parliament, *Catherine* Princess of *France*, whom *Henry* had married some Time before, and was the strongest Cement to this Peace, was crowned at *Westminster* with the greatest Solemnity (y).

Acts pass'd

The most remarkable Act made in this Session, was one, by which it was ordain'd, 'That whereas Washers, Clippers and Counterfeits of the Money had debas'd and spoil'd the Coin; none should receive any Gold, but by the King's Weights appointed for that Purpose; and that the Gold which was not of due Weight, nor of right Alloy, should be sent to the Mint to be new coin'd, the King at his own Charge making up the Deficiencies.'

It was also enacted, 'That every third Benefice, the Presentation of which belong'd to the Prelates and Monasteries, should be confer'd on some Scholar of *Oxford* or *Cambridge*.' An excellent Method for the Advancement and Encouragement of Learning.

Whilst

(x) In the Collection of *Public Acts*, is a Copy of the King's Letters of Exemplification, under the Broad Seal, testifying the Parliament's Approbation of the Peace, and enrolling a public Instrument of the same. Dated at *Canterbury*, June 1, 1421. *Fœd. ANG. Tom. X. P. 125.*

And the Instrument itself is published in the same Tome, P. 110.

(y) *Polyd. Verg. P. 456.*

Whilst *Henry* was advancing his Conquests against the King *Henry V.* *Dauphin* in *France*, his Brother, the Duke of *Bedford*, administered the Regency in *England*, with great Wisdom and Fidelity. This Governour thought fit to call a Parliament, which met at *Westminster* on the first of *December*, in the same Year as the former. The Bishop of *Durham* opened the Session with a formal Speech, or rather a Sermon, of little or no Significancy; except, that in the Conclusion he told them, 'They ought to establish good Laws, and defend the Frontiers of their Country with manly Courage.'

Anno Regni 9.
1421.
At Westminster.

On the third Day of their sitting the Commons presented *Richard Baynard* Esq; to the Regent for their Speaker; and the same Day, with the Consent of the other House, they granted the King one *Tenth*, and one *Fifteenth*, to be levied on the Laity; but with this Condition, says *Walsingham*, that the first half of it should be paid in the Money then current. It was also, ordained, That all such Money, with other, should pass till *March* 25, if it was not notoriously clipp'd and wash'd (z). The Gold Coin had been lessened in the Value, by clipping and washing; therefore the Parliament ordained, for the Relief of the People, that the Receivers of the Tax should take all such light Pieces, if they did not want in Weight more than Twelve-pence in the Noble; or, if they did, those who paid them were to make up the Defect. The People therefore put off their Gold as fast as they could, and hoarded up their Silver (a). By which the King, tho' then under Necessities for Money, was contented to lose almost Three Shillings in the Pound, for the Benefit of the People.

Richard Baynard
Esq; chosen
Speaker.

A Subsidy.

Act for Regulat-
ing the Coin.

Several more Statutes were made this Session of Parliament, relating to the Coinage; the Heads of which are as follow:

'That all the Statutes un-repealed concerning the good and lawful Management of Gold and Silver should be strictly observed and executed.'

'That the King should appoint his Exchanges of the

L 3

(z) *Hist. Ang.* P. 406. *Nec Tonstone vel Lotione enormiter diminutum.* This shews that the Custom of clipping and washing Money is ancient.

(a) *WALSINGHAM*, *ibidem.* *FABIAN'S Chron.* Fol. CLXXVIII. *Daniel in Kennet*, P. 335.

King Henry V. the Money of Gold and Silver in the City of *London*, and other Towns, to be kept in open Places in High Streets, for the Ease of the People; and that all who came to the Tower of *London* to have Money new coin'd, should have it deliver'd to them within eight Days, according to the Value of what they brought, paying for the Coinage of Gold at the Rate of five Shillings in the Pound; and for coining a Pound of Silver, fifteen Pence: And that such who would not bring their Money to the Tower, but deliver'd it into the King's Exchanges, should pay a Penny in the Noble, and so proportionably.'

Another was, 'To oblige all the Masters and Workers in the Mint, to make due and prompt Payment of the new Money, either by Weight or Number, to all who brought in their old; and that if there was any Default in the new Money, either as to Weight or Alloy, the Masters of the Mint should presently change it, and melt it down.'

Also it was enacted, 'That the Wardens, Surveyors, and Ministers of the Exchanges out of the Tower, should not divert the Gold and Silver received by them, to any other Use; but should be oblig'd to bring it to the Mint to be coin'd, that there might be the fuller Circulation of Money thro' the Kingdom.'

A Mint was also establish'd at *Calais*, in the same Manner as at the Tower.

And it was likewise ordain'd, 'That the new-coin'd Money should be of as good Alloy and Weight as the old.'

Also, 'That the Chancellor of *England* should deliver to those who would have them, good and just Weights of the Noble, half Noble, and Farthing of Gold, to prevent the People's being abus'd by such as were counterfeit.'

The Sheriffs and Justices of Peace were also requir'd to make a Search after all Falsifiers of Weights, and to keep them in Prison till they had made Fine and Ransom at their Discretion.

An Act having been passed *Anno 14, Richard II.* wherein it was ordain'd, 'That for every Exchange made by Merchants in the Court of *Rome*, or in other Parts,

Parts, they should be bound to buy within three Months ^{King Henry V.} following, Merchandizes of the Staple, to the Value of the Sum so exchang'd, upon Forfeiture of the same: And whereas the Merchants had represented to the Parliament, that the Time allotted was too short to buy such Merchandizes, and ship them, and that in Default of Exchanges, the Money of the Nation would be carried beyond Sea.'

It was therefore enacted, ' That all Merchants, who should make such Exchanges, should be bound personally in the Chancery by Recognizance to buy within nine Months following the Merchandizes and Commodities aforesaid.'

As the Parliament granted the King a *Tenth*, and *Fifteenth*, so a Convocation, which had met at *York*, *Sept.* 22. foregoing, gave him a *Tenth*; and the Duke of *Bedford* requir'd the Archbishop, by an Order dated *Oct.* 27. to appoint some of his Clergy to be the Collectors, and to return their Names into the Exchequer before *Easter*.

This was the last Parliament called in the Reign of *Henry* the Fifth, who died of a *Dysentery*, *August* 31, 1422, at *Vincennes* in *France* and in the tenth of his Reign (b). In the midst of his Conquests, and in the ^{The Death of} Zenith of his Age was this great King snatched away; leaving one Son to succeed him, an Infant scarce nine Months old. ^{Henry the Fifth}

The glorious Reign of this Prince has furnish'd all our general Historians, with Abundance of Matter for raising the most finish'd and exalted Character. But though his victorious Sword cut them out Work enough to follow; yet these Enquiries, under a civil Capacity, have not been much enriched thereby. For *Henry* strictly pursued his Father's last Advice to him; and by amusing his Subjects with this foreign War, kept them all quiet and peaceable at Home. By these Means his Title to the Crown was never once called in Question all his Reign; and as long as either *England* or *France* remain, or any Memoirs continue in either of

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them,

(b) There is an Instrument in the *Public Acts*, dated *Teste Rege apud Castrum de Bois de Vincen. XXX. Die Augusti*, which was the Day before he died. *Fæd. Ang. Tom. X. P. 251.*

King Henry V. them, his Virtues and brave Actions will be revered, and celebrated, as the Glory of the one and the Terror of the other. To close up this poor and imperfect Sketch of this great Prince's Character, we shall only add, what a co-temporary monastic Chronicle has left us of it. It is there said, that *Henry* the Fifth, at his coming to the Crown, made it one of his first Acts to convey King *Richard's* Body, from *Langley*, where it had been ignobly interred, to *Westminster*; and deposited it near the Tomb of *S. Edward*, King and Confessor. This was done, according to the Piety of those Times, to make some Attonement for the Cruelties exercised against *Richard*, as his Deposition and Sentence of perpetual Imprisonment, which this King *Henry* by no means approved of; and all those who had been instrumental in his Death, he looked upon as guilty of High Treason (x).

TAXES in this King's Reign.

Taxes granted in his Reign; In his first Year he had the like Subsidy on Staple-Ware, Tunnage and Poundage for four Years, as had been given to his Father in the thirteenth Year of his Reign.

In his second Year an Act was pass'd, whereby the Priorities Alien, who depended on some Capital Abbies in *Normandy*, that received the Profits of them, should be vested in the King for carrying on a War against *France*.

The same Year the Parliament granted him two whole *Tenths*, and two whole *Fifteenths*, to be levied on the Laity.

In his third Year no Tax was ask'd or granted.

In his fourth Year, he had two whole *Tenths* and two *Fifteenths* to be levied on the Laity; the Clergy, also, granted two *Tenths* on their own Body. But this being not sufficient, he was oblig'd to pawn his Crown and Jewels to carry on the *French* War.

In his fifth Year he had one *Tenth* and one *Fifteenth*.

His

(x) *Qui quidem Regis Richardi Depositionem, ac ejus perpetuam Incarcerationem, nullatenus approbans; sed omnes qui Causa ejus Mortis extiterant, Proditionis reos fore disjudicans.*

Hist. Croylandensis Continuatio, ad An. 1414.

His sixth Year was wholly spent on the Conquest of King Henry V. France. But,

In his seventh Year the Parliament granted to his Majesty one *Fifteenth* and one *Tenth*, and one half Part of them both.

In his eighth Year he had one *Tenth* and one *Fifteenth*.

Our Historians are very deficient in noting the *Prices of Provisions* in this Reign; their Pens are so employed in describing the glorious Victories of this *English Hero*, that they seem almost to have forgot *Domestick Affairs*. *Fabian's Chronicle* however tells us, That, in the Year 1416, Wheat was so dear as to be sold for 16 s. a Quarter: And that in 1422, it sold for 8 s. and Malt at 5 s. A Ram sold also for 8 d. And Value of Money.



HENRY

The Accession of
King Henry VI.

HENRY the Sixth was an Infant of about nine Months old when he began his Reign. Some Authors affirm, that he was proclaimed King of all his Dominions, both at *London* and *Paris*; but he could not then be so proclaimed King of *France*, because *Charles* the Sixth was still living, and by the Treaty of *Troyes*, the King of *England* was not to be stiled King of *France* till after *Charles's* Death. But, that happening very soon after, for he died within less than two Months of King *Henry V.* the Infant King was proclaimed King of *France* and *England*, in *Paris*; and in the other Parts of *France*, by the Name of *Henry* the Second in that Kingdom, tho' the Sixth in *England*. *John* Duke of *Bedford*, the young King's Uncle, was constituted Regent of *France*; and after the Death of *Charles*, who was the strongest Support to the *English* Interest in that Kingdom, had work enough upon his Hands to defend what they had got from the Efforts of the *Dauphin* of *France*, who caused himself, also, to be crown'd King at *Poitiers*.

Anno Regni, 1.
1422.
At Westminster.

Whilst these Affairs were in various Agitations abroad, the same Year, Anno 1422, Writs of Summons were issued out, in the young King's Name, dated September 29, for a Parliament to meet on the Monday next after the Feast of St. *Martin*, at *Westminster*. And, on the same Day before any other Business was begun; a Commission directed to *Humphrey* Duke of *Glocester*, the King's Uncle, empowering him to begin the Parliament, was read, in the Presence of the said Duke, sitting in the Painted Chamber, and before the Lords and Commons assembled (a).

After

(a) The Commission itself, being one of the first Acts of State done by this Infant King, may not be incurious to the Reader.

HENRICUS, Dei Gratia, Rex Angliæ, & Franciæ, & Dominus Hiberniæ, omnibus ad quos, &c. Salutem,

Sciatis quod, cum, de Avisamento Concilii nostri, pro quibusdam arduis & urgentibus Negotiis, Nos, Statum & Defensionem Regni nostri Angliæ, ac Ecclesiæ Anglicanæ, contingentibus, quoddam Parliamentum nostrum, apud Westmonasterium, Die Lunæ, proximo ante Festum Sancti Martini, proximo futurum, teneri ordinaverimus. Et quia vero, propter certas Causas, ad Parliamentum prædictum, personaliter, non poterimus interesse; ac de Circumspectione & Industria, carissimi Avunculi nostri, Humfredi Ducis Gloucestræ plenam Fiduciam reportantes; eidem Avunculo nostro,

After which *Henry Chicheley*, Archbishop of *Canterbury*, by Command of the said Duke, the King's Commissioner, declared the Cause of calling the said Parliament, and took for his Theme, *Principes Populorum congregati sunt cum Deo*.

King Henry VI.

In discoursing on which Words he introduced many notable Examples and Apothegms; and, amongst them observed, 'That God of his great Mercy had left Issue unto them of the most victorious Prince *Henry*, begotten of the Royal Blood of *France*, whereby the same Issue was now become King of *France*. That, as all Perfections were comprised within the Number of Six, since God had made all Things in six Days, so, his divine Majesty was to accomplish the good Beginnings of the famous fifth *Henry*, in the sixth *Henry* his Son; who, he added, would that all Estates and Persons should enjoy their full Liberties.' He then declared, 'That, considering the King's tender Age, this Parliament was called for three Causes; the first for the good Governance of the King's Person; the second for preserving the Peace, and lastly, for the sure Defence of the Realm. But, that it principally imported them to provide some honourable and discreet Persons for the Governance aforesaid, in which, they all ought to give their best Advice. He desired them, in this, to follow the Counsel, which *Jethro* gave to *Moses* in *Exodus*, viz. such as feared God, wise, religious, hating Covetousness, puissant, &c.' And then concluded with desiring the Commons to chuse a Speaker, and present him next Day to the Duke.

Receivers

nostro, inchoandum, & in eo procedendum, & ad faciendum omnia & singula, quæ pro Nobis, & per Nos, pro bono Regimine & Gubernatione Regni nostri prædicti, ac aliorum Dominiorum nostrorum, eidem Regno nostro pertinentium, ibidem fuerint facienda. Nec non ad Parliamentum illud finiendum & dissolvendum, de Assensu Consilii nostri, plenam, tenore Præsentium, committimus Potestatem. — Dantes ulterius, de Assensu ejusdem Concilii nostri, tam universis & singulis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, & Militibus, quam omnibus aliis quorum interest, ad Parliamentum nostrum prædictum conveniunt, similiter Tenore Præsentium, firmiter in Mandatis, quod eidem Avunculo nostro intendant in Præmissis, in Forma supradicta. In cujus, &c.

Teste Rege apud Westmonasterium sexto Die Novembris, per Breve de privato Sigillo. Fæd. Ang. Tom. X. P. 257.

King Henry VI.

Roger Flower,
Esq; a fourth
Time chosen
Speaker.

Receivers and Tryers of Petitions being appointed for *England, Ireland, Wales, and Scotland*, with *Gascogny*, other foreign Parts, and the Isles; on *Tuesday* being the second Day of the Parliament, the Commons presented *Roger Flower, Esq;* to the Duke and Lords for their Speaker; who, with the usual Protestation, was allowed.

The two Bishops of *Durham* and *London*, the former having been Chancellor of *England* in the late Reign, and the other Chancellor of the Dutchy of *Normandy*, who had both delivered the several Seals of their Offices to the Duke of *Glocester*, prayed to be discharged by Act of Parliament, and that the same might be enrolled, which was granted. It was then, also, enacted, That the King's Stile and Titles should be changed, and that upon all his Seals should be engraven this Motto, *Henricus Rex Franciæ, & Angliæ, & Dominus Hiberniæ*.

At the Request of the Commons, the Duke of *Glocester* declared to them, that the King had appointed the Bishop of *Durham* to be his Chancellor; *William Rindrose*, Treasurer of *England*; and, *John Stafford*, to be Keeper of the Privy Seal; for all which Offices their Patents were made, and confirmed by Parliament.

A Protector
appointed.

The King, by his Letters-Patent, confirmed, also, by Parliament, appointed *John Duke of Bedford* Protector and Defender of the Realm and Church of *England*, and Chief Counsellor to the King; but because the said Duke was then beyond the Seas, it was enacted,
' That during his Absence *Humphrey Duke of Glo-*
' *cester* should supply the said Office; which said Duke
' took upon him the Dignity aforesaid, under a Pro-
' testation that it should be no Prejudice to the Right
' of his Brother (b).' And it was also enacted, ' That
' the Protectors shall, during the King's Minority,
' dispose of all the Offices of the Forests, Keepers of
' Parks,

(b) The Instrument for constituting the Duke of *Bedford* Protector, and in his Absence the Duke of *Glocester*, is, also, in the Publick Acts, Tom. X. P. 261.

Rapin says, that this was a necessary Expedient to perform the deceased King's Will, who had appointed Duke *Humphrey* Protector, without derogating from the elder Brother's Rights. *Fol. Ed. P. 536.*

‘ Parks and Warrens ; and that all Benefices in the King Henry VI.
 ‘ King’s Gift, being above the Value of twenty Marks,
 ‘ should continue in their Disposal during their Lives.’

And it is likewise said, that the Protector’s Salary was
 settled then at 8000 Marks a Year. The Parliament The Parliament
 also appointed Governors to take care of the King’s names Guardians
 Person and Education, who were *Thomas Beaufort* for the young
 Duke of *Exeter*, and *Henry* his Brother Bishop of *Win-*
chester, both great Uncles to the King (c).

And, it was then enacted, ‘ That all Estates should
 ‘ have their Liberties confirmed, which have not been
 ‘ revoked, without the Word *Concedimus* to be in any
 ‘ of the said Confirmations : And that all Writs,
 ‘ Commissions and Dependants of the same, made by
 ‘ the King’s Council, relating to this Parliament, be
 ‘ confirmed by the Authority of the same.’

‘ And whereas the late King *Henry V.* constituted
 ‘ and appointed *Henry Lord Fitz-hugh, Walter Hun-*
 ‘ *gerford, Walter Beauchamp, Lewis Robsart, William*
 ‘ *Porter, Robert Babthorpe, John Woodhouse, and John*
 ‘ *Leventhorpe* Esquires, Executors of his last Will
 ‘ and Testament, the King granteth, now, to them
 ‘ 40,000 Marks for the Performance of the said Will.
 ‘ Nineteen Marks due to the Executors of *Henry IV.*
 ‘ by Oversight of the Supervisors of the said Will from
 ‘ the Duke of *Glocester*, and other Lords there named ;
 A Schedule thereto annexed, containeth the King’s
 Letters Patents for the said Sum.

‘ The Commons, with the Assent of the Bishops
 ‘ and Lords, grant to the King the same Subsidy on A Subsidy.
 ‘ Woollen or Staple-Wares, Tunnage and Poundage
 ‘ as formerly, for two Years to come’. And it was,

also, enacted, ‘ That all such Petitions as are not de- The Govern-
 ‘ terminated in this Parliament, shall be referred to the ment established,
 ‘ King’s Council to be concluded according to their during the Mi-
 ‘ Discretion. Also, certain Bishops, and Lords, and nority.
 ‘ others were then named to be Counsellors and Assis-
 ‘ tants to the Lord Protector in the Governance afore-
 ‘ said. And, that all Justices of Peace, Sheriffs, Es-
 ‘ cheators, Collectors of the Customs, Comptrollers,
 ‘ Weighers, Searchers and other Officers be placed, or
 ‘ displaced

King Henry VI. ‘ displaced, at their Determination. That these Coun-
 ‘ fellows may have the Advantage of all manner of
 ‘ Wards, Marriages, Farms, and other Casualties of
 ‘ the Crown. And that nothing be ordained in Coun-
 ‘ cil but by Six at the least, or more ; and, in all great
 ‘ Causes, by all, or the greatest Part of them ; and,
 ‘ when the King is to be conferred withal, that nothing
 ‘ be done without the Assents of the Dukes of *Bedford*
 ‘ and *Glocester*. That the Treasurer of *England* and
 ‘ the two Chamberlains of the Exchequer may have
 ‘ each of them a Key to the King’s *Receipt* ; but that
 ‘ they be sworn in Council, to make none privy thereto
 ‘ but the Members thereof. That the Clerks of the
 ‘ Council be sworn to take down duly the Names of
 ‘ such of the Councillors as attend, and to register truly
 ‘ all their Ordinances’. All which Articles were en-
 ‘ acted and confirmed by Parliament ; with a Proviso,
 ‘ That all such Officers, as held the same for Life, or
 ‘ otherwise, may be allowed to appoint Deputies, any
 ‘ of these Articles notwithstanding’.

Several good
Laws pass’d.

These excellent Rules and Ordinances being ratified in Parliament, all possible Care was taken for the good Governance of the Realm, during the King’s Minority. The other most memorable Transactions of this Parliament were, First, a Statute was enacted ‘ That all
 ‘ such as were imprisoned in any of the King’s Goals
 ‘ for Heresy, or *Lollardy*, should be delivered to the Or-
 ‘ dinary to be punished’.

‘ Upon two Petitions of *Katherine* Queen Dowager
 ‘ of *England*, the King, in Performance of the League
 ‘ made between the *French* King and *Henry* the
 ‘ Fifth his Father, by two Letters Patents granted to
 ‘ the said Queen for her Dowry, sundry Manors, Cus-
 ‘ toms, and other Hereditaments in the Principality of
 ‘ *Wales*, and Duchy of *Lancaster*, there named, to
 ‘ the clear Yearly Value of 20,000 Marks ; all which
 ‘ Dowry and Letters Patents were confirmed in Parlia-
 ‘ ment with several Proviso’s’.

‘ *Ann*, Countess of *Stafford*, Daughter and Heir of
 ‘ *Eleanor* one of the Daughters and Heirs of *Humphry*
 ‘ *de Bohun* late Earl of *Hereford*, *Essex* and *Northamp-*
 ‘ *ton*, and Constable of *England*, recited a Partition
 made

‘ made between *Henry Fifth* and her, of the said Earl’s ^{King Henry VI.}
 ‘ Inheritance, in the ninth of his Reign, at which
 ‘ Time certain Knights Fees in Grofs were not divid-
 ‘ ed; wherefore, She now prayeth Remedy for those,
 ‘ as well as concerning certain Members belonging to
 ‘ the Castle of *Brechnoch* in *Wales*. Answer, The
 ‘ King’s Council shall have Power, by Authority of
 ‘ Parliament, to settle the same’.

‘ *Bartholemew Gold-beater*, Master of the Mint, with-
 ‘ in the Tower, requireth larger Commission, touching
 ‘ the Coinage and Exchange of Money, in the said
 ‘ Tower, although it be ordered by the King that no
 ‘ Minter should hold the Exchange; an Ordinance was
 ‘ made that the said Master should keep the Exchange
 ‘ till the next Parliament, so that he take not above
 ‘ Three-half-pence for the Exchange of a Noble.’

It was enacted, that ‘ *Thomas Chaucer*, Chief Butler
 ‘ to the King, shall hold the said Office during his Life,
 ‘ according to the Letters Patents made to his Father
 ‘ *Geoffry Chaucer*, and to himself by King *Henry IV.*’

A Statute was made ‘ That the King’s Council
 ‘ might assign Money to be coined in as many Places
 ‘ as they pleased.—Another, That all the Statutes re-
 ‘ lating to Purveyors shall be proclaimed, in every
 ‘ County, four Times in a Year.—What Sort of *Irish-*
 ‘ *men*, only, may come to dwell in *England*.

‘ That the Master of the Mint shall send to the Mint
 ‘ to be coined, all the Gold and Silver that shall come
 ‘ to his Hands by Exchange. A certain Allowance
 ‘ shall be made to those who were returned to serve
 ‘ King *Henry V.* in his Wars out of the Gains of the
 ‘ War (*d*). Those Jewels which King *Henry V.* did
 ‘ mortgage, shall he redeemed or forfeited, saving the
 ‘ Jewels of the Crown (*e*).

The last Thing that we find worth Notice, amongst
 the Transactions of this Parliament, is ‘ That *Humphry*
 ‘ Duke of *Glocester* had granted to him, by Authority
 ‘ of the said Parliament, the Offices of Lord Great
 ‘ Chamberlain and Constable of *England* with all the
 ‘ Profits

(*d*) These are said to be maimed or decrepid Soldiers, called now Invalids.

(*e*) Statutes at large An. Primo HEN. VI. Cap. 1, 2, 3, 4, 5.

King Henry VI. ' Profits thereunto belonging, to continue to him during the King's Pleasure'.

The next Year another Parliament was called by Writs, dated *September* the first, returnable on the twentieth Day of *October* following. It is remarkable, that a much smaller Number of Peers were summoned to this and the last Parliament, than usually ; from whence we conclude, that the greatest Part of the *English* Nobility, at that Time, were engaged abroad, as Governors of some conquered City, Town, or Fortrefs; or otherwise withheld by some important Post in the Army. A List of those called to this Meeting is as follows.

Anno Regni 2.
1423.
At Westminster.

Names of the
Peers.

Humphry, Duke of Gloucester,	William, Lord Bottreaux,
Henry, Earl of Northumberland,	Thomas, Lord Dacre of Gilsland,
Ralph, Earl of Westmoreland,	William, Lord Clinton,
Thomas, Lord De la Warr,	William, Lord Harrington,
William, Lord Ferrers of Groby,	Thomas, Earl Marshal,
John, Lord Welles,	Edmond, Earl of March,
John, Lord Graystock,	Thomas, Duke of Exeter,
Reginald, Lord Grey of Ruthin,	Richard, Earl of Warwick,
John, Lord Latymer,	James, Lord Audley,
Richard, Lord Strange,	Richard, Lord Cromwell,
Robert, Lord Poynings,	Henry, Lord Fitz-Hugh.

(f)

On the Day of the Meeting of this Parliament, a Commission was again read to constitute the Duke of Gloucester Lord President (g); and, by his Command, the Bishop of *Durham*, Lord Chancellor, opened the Cause of the Summons, under this Text,

Deum timete, Regem honorificate.

On these Words he argued, ' That we ought to fear God, even, with a Child-like Fear; *quoniam qui timet*

(f) These four are placed in both the Lists after several of the Barons. Omitted in this List, James, Lord Berkeley.

(g) The Commission is in the *Publick Acts* dated at *Westminster*, *October* 19. *Tem. X. P. 310.*

timet Deum, diligit eum, et tunc illuminabitur Cor ejus. And that the King ought to be honoured, since now this Realm had attained their Wish; which was, that the King of *England* might also be King of *France*. And since this great Undertaking was brought about by the Labour and Conquests of their present King's Father, they ought to honour him equally for it; for *Omnis qui diligit eum qui genuit, diligit eum qui natus est.* King Henry VI.

That all the Lords of the Council, appointed by the last Parliament for the Regency, and for the due Observation of the Peace, during the King's Minority, were assembled; in order to take the Advice and Consent of Parliament, towards perfecting the same. Then, he desired the Commons to chuse their Speaker and present him to the Duke, the King's Commissioner in this Parliament.

The Receivers and Tryers of Petitions being appointed, the Commons presented *John Russel Esq;* as their Speaker, who with the usual Protestation was allowed. John Russel Esq; chosen Speaker.

And whereas, *John Lord Talbot of Furnival*, being the King's Lieutenant of *Ireland*, had accused *James Butler, Earl of Ormond*, of certain Treasons; which Accusation was then depending before *John Duke of Bedford*, Constable of *England*, in his Marshal's Court; the King, to take up the Matter betwixt them, doth, by Assent of Parliament, utterly abolish the said Accusation, and all Suits upon the same. The Accusations are particularly recited in the Record.

A Committee of the Commons were appointed to wait upon the Duke of *Glocester*, and to give him their hearty Thanks for vouchsafing to communicate to them the Treaty with the *Scottish* Ambassador, for the Delivery and Marriage of *James* King of *Scotland*, which they greatly approved of.

An Ordinance was made. That the Mint-Master in the Tower shall keep the Exchange, allowed him by the last Parliament, during the King's Pleasure. And, it was enacted, at the Petition of the Northern Counties, That a Coinage should be at *York*, during the King's Pleasure; and that all Persons do bring in their Gold,

King Henry VI. ' there to be new coined, which is not of full Weight.

These are all the Acts and Ordinances, which the *Abridger* has thought proper to take Notice of, made in the First Session of this Parliament, which was adjourned the 17th Day of *December*, on account of the approaching Festival, to the 15th of *January* following.

On the Day prefix'd being again assembled, the first Thing worth Notice that they went upon was, ' That
' on the Petition of the Executors of the last Will of
' *Henry IV.* the King had by his Letters Patents assign-
' ed the Payment of 40,000 Marks to the Executors of
' *Henry V.* to the End that the last Executors should
' pay the first, and, also, discharge the Will of *Henry V.*
' which Letters Patents were confirmed by Parlia-
' ment. The said Executors prayed, that they might
' have the Jewels, Plate, and Goods of the said King
' *Henry V.* to the Value of 40,000 Marks, which was
granted. And that the said Executors shall have all the
Wards, Marriages, Goods, Debts and Chattels, which
' were the said King's for the Payment of his Debts.' But
then it was enacted, ' That the Executors of both the
' late Kings shall pay all their Debts; as well those due
' by Talley as by Debentures'. At the same Time an Act
was passed, ' To secure those Persons who had only the
' late King's Jewels in Pawn, and that they should not
' be obliged to deliver the same 'till their Debts were paid.
' And that the Bishop of *Winchester*, who lent the King
' 20,000 Marks on the Crown, should have Letters Pa-
' tents to receive the said Sum out of the Customs.

Orders relating to
Payment of the
late King's
Debts.

The Bishop of *Durham*, Executor to *Henry Bowet*
late Archbishop of *York*, and others, petitioned the Parlia-
ment ' To order the Payment of 900 Pounds lent to
' King *Henry V.* on a Tabernacle of Gold, once be-
' longing to the Duke of *Lancaster*; and to be discharg-
' ed from the said Executors on the Delivery of the
' said Tabernacle; which, by common Assent, was con-
' firmed'. On the Petition of *Katherine Queen of Eng-*
' *land*, a new Dower was assigned her, instead of the
' other granted by the last Parliament, it being, in many
' Places, found faulty and erroneous. Lastly, *John Staf-*
' *ford*, Treasurer of *England*, by his Petition, prayed,
' That the Schedule, indented, made between him on
' the

‘ the one Part, and the Executors of *Henry V.* on the King Henry VI.
 ‘ other; relating to the Goods of the said King, deli-
 ‘ ver’d to the said Executors, to the Value of 40,000
 ‘ Marks, might be confirmed by Parliament, and he
 ‘ be discharg’d thereof; which was granted.’ *Cotton*
 remarks that the Inventory of these Goods are on the
 Record, containing the Jewels, Cloths of Arras, Ap-
 parel, and other Particulars, with the Prices an-
 nex’d to them; wherein, adds he, may be seen the
 Frugality of the late King, there being some plain
 Gowns of his not worth forty Shillings, with other less
 costly Apparel, and such as the worst Pages of the least
 Nobleman, in our Days, would scorn to wear.

The Parliament having thus honourably provided for
 the Payment of the late King’s Debts, an Affair of
 more publick Concern came before them. *James*,
 King of *Scotland*, had been a Prisoner in *England*, ever A Peace with
 the Scots.
 since the Reign of *Henry* the Fourth; wherein the Po-
 licy rather than the Justice of this Detention, must be
 commended. However, it was now thought, that if
 the *Scotch* King was set at Liberty, Things might be so
 manag’d with him, that a firm and lasting Peace might
 be establish’d between the two Nations. And lest the
 Obligation should be too soon forgot, it was also pro-
 pos’d to give him to Wife *Jane*, Daughter to *John*
 Duke of *Somerſet*, and Cousin-German to the young
 King (b). Accordingly, by Letters Patents, directed
 to certain Bishops and others, a Treaty was set on
 Foot at *Durham*, between the Commissioners of both
 Nations; and the said Letters Patents were not only
 confirmed by this Parliament, but the Power to deli-
 ver up the King of *Scots*, on the Conditions agreed on,
 was also ratified by them. The *Scotch* King was releas-
 ed from his Captivity of eighteen Years, and marry’d
 to the Lady, with whom he had a large Dower, be-
 sides many Gifts of Plate and Jewels, which her Kin-
 dred of the Nobility presented them with. At his De-
 parture, he was also induc’d to take an Oath of Friend-
 ship and Fidelity, say some; or as other Historians
 M 2 write,

(b) The most beautiful Woman of her Time, with whom he was
 desperately in Love.

Buchanan’s Hist. of Scotland, by Bond, Vol. I. p. 444.

King Henry VI. write, did Homage to the young King of *England*, at his Castle of *Windsor*; wherein he own'd that he held and claimed his Kingdom under a superior Lord (*i*). But what are Oaths or Bonds to Kings? *James*, soon after his Arrival in *Scotland*, forgot them; and either out of a natural Affection to the *French* Nation, or else being desirous to shake off all Badges of Subjection to the *English*, he entred into a strict League with the King of *France*; and entirely deserted the other's Interest.

Petitions in Parliament.

The rest of the Proceedings of this Parliament we shall range as follows:

Edmund, Earl of *March*, Son and Heir to *Roger* Earl of *March*, presented a Petition, wherein he shewed, that King *Henry* V. for the Sum of 10,000 Marks, paid to certain of the King's Creditors by the said Earl, promis'd to him, by Word of Mouth, his own Marriage, he being then the King's Ward, which he requests may be confirmed by Parliament; and it was granted.

Thomas, Duke of *Exeter* reported, how, that the late King, a little before his Death, much repented him to the said Duke, for confiscating the Land of the Lord *Scrope*, upon the Attainder of *Henry*, the last Lord, and his Beheading at *Northampton*; because, he since understood that the said Estate was entail'd upon *Geoffrey*, *Stephen*, and *John le Scrope*, his Brothers; and that the Lord *Fitz-Hugh* and *William Porter*, to whom Part of the said Lands were given, were contented, on Proof of the Entail, to make Restitution of the same. But we do not find what the Parliament did further in it.

On

(*i*) The Oath was in these Words, 'I *James* Steward, King of *Scotland*, shall be true and faithful unto you Lord *Henry*, by the Grace of God, King of *England* and *France*, the noble and superior Lord of the Kingdom of *Scotland*, which I hold and claim of you. And, I shall bear you my Faith and Fidelity of Life and Limb, and wordly Honour, against all Men; and faithfully I shall acknowledge and do you Service due for the Kingdom of *Scotland* aforesaid; so help me God, and these holy Evangelists.' *Hollingshead's Chron.* p. 587.

Buchanan, according to his usual Partiality, mentions this Oath but slightly; and bestows a whole Page or two in excusing it and the King, from any Ingratitude to the *English* Nation, by siding with the *French*. He was afterwards inhumanly murder'd by his own Subjects.

Bond's Translat. Vol I p. 464.

On the Petition of *Joan*, Queen of *England*, Wife King Henry VI. to King *Henry IV.* the King, by Consent of Parliament, restor'd to her all her Dower, and the Arrears of the same, with all her Goods that were taken from her (k).

At the Petition of the Master and Brethren of the Hospital of St *Leonard's* in *York*, it was enacted, 'That they should enjoy all their Threaves of Corn, within the Counties of *York*, *Cumberland*, *Westmoreland*, and *Lancashire*; and that they may recover the same by an Action of Debt or Detinue.' This Statute was made remarkable, by being the first Occasion of a great Revolution which happened some Years after.

It was enacted, 'That if any Person should carry out of the Realm any Staple-Ware, from the Staple of *Calice* uncustom'd, he shall forfeit the same, and make Fine and Ransom at the King's Pleasure. Also, that no Licence be granted to any Person to transport any flight Looms, out of *Hampshire*, *Kent*, *Suffex*, and *York*; but only to *Calice*.' But this last was only to continue to the next Parliament.

Two Foreign Ladies of Quality, who had been marry'd, the one to the Duke of *Bedford*, and the other to the Duke of *Glocester*, were naturaliz'd this Parliament. The former was *Ann*, Sister to *Philip* Duke of *Burgundy*, and Wife to *John* Duke of *Bedford*, Regent of *France*; the latter was *Jaquet*, or *Jaqueline*, sole Daughter and Heiress to *William* Duke of *Bavaria*, who was married to *Humphrey*, Duke of *Glocester*. This Princess, by her Father's Death, had the Government of the Earldoms of *Hainault* and *Holland*, two large and populous Countries, descended to her; and, tho' marry'd to *John*, Duke of *Brabant*, yet on Pretence that her Husband was too nearly related to her, before Marriage; or, as others say, for his unkind Usage of her; she left him and came into *England*, where she soon after became Duke *Humphrey's* Wife, to the great Displeasure of her former Husband; and in the End prov'd the Ruin of the *English* Interest in *France*.

Sir *John Mortimer*, of *Bishop's Hatfield* in the
M 3 County

(k) See before, p. 161.

King Henry VI. County of *Hertford*, having been indicted on the Oath of one *King*, Servant to Sir *Robert Scot*, Keeper of the Tower of *London*, upon the Statute of Escapes; an Act was made this Parliament on Purpose to destroy him, alledging several other Articles against him. As first, That the said Sir *John* had contrived, with him, to break out of his Imprisonment, and had promis'd him immediately a Reward of forty Pounds a Year, to be aiding and assisting to him in his Escape; and afterwards an Earldom. Second, That the said Sir *John* told him, that after his Escape he would go into *Wales* to the Earl of *March*, and having rais'd 40,000 Men, would enter the Kingdom again, and cut off the Heads of the Protector and the Bishop of *Winchester*. Third, he had told this Informant, That the Earl of *March* was rightful Heir to the Crown of *England*, and that after him he was the next Heir; wherefore, if the Earl of *March* refus'd to recover his Right, he himself would take upon him the Regal Power as his Due. Lastly, That when he came into *Wales*, if the Earl of *March* would not accept his Service, nor engage in the Cause, he would then fly into *France*, and assist the *French* King against King *Henry*, and did not doubt but in the End he should gain his Design (1).

An *Expost Facto*
Act, against Sir
John Mortimer.

It appears by the Record, that this Sir *John Mortimer* had been committed Prisoner to the Tower, for Suspicion of Treason done against the late King, from whence he had made his Escape the first Year of this Reign. For which Escape alone, we suppose, he was indicted, and this Indictment, by the Authority of Parliament, was allow'd to be good; and the said Sir *John* being again apprehended and brought before this Parliament, Judgment was given against him, to be carried back to the Tower, and drawn from thence to *Tyburn*, there to be hanged, drawn, and quartered; his Head set on *London Bridge*, and his four Quarters on the four Gates of the City. A strange Judgment and Sentence, says *Cotton*, that any Man in a peaceable Time should be condemned on a bare Indictment, without any Arraignment or due Trial. But, it is not to be wondered at, when we consider that the Jealousy the

House

(1) *Sam. Daniel in Kennet, P. 348.*

House of *Lancaster* conceived against any Commotion in Favour of the House of *York*, was the Occasion of this Descendant of the latter being took off by so illegal and arbitrary a Proceeding. On whose Death, says an old Historian (*m*), great Slander arose to the Contrivers of it. And another (*n*) remarks, that his Faults were believed to be Calumnies, and himself brought to so ignominious an End for that alone, which, by vulgar Politicians, is called *Reasons of State*. The Earl of *March*, the immediate Heir, was, we may believe, more than suspected; but nothing being proved against him, it was thought politic to send him over into *Ireland*, with Forces to secure that Kingdom, where he soon after died, without Issue, whose Inheritance descended to *Richard Plantagenet* Son and Heir to *Richard* Earl of *Cambridge*, beheaded at *Southampton* in the late Reign (*o*).

There are several more Acts and Ordinances made in this Parliament, which may be seen in the *Abridgement* and in the *Statutes at Large*; and having sat till the 18th of *February*, on that Day they granted the King the same Subsidy on Tonnage and Poundage as in the last. It was, also, enacted, That Merchant-Strangers shall only pay 43 s. and 4 d. Duty on every Sack of Wool, notwithstanding the Grant made in the seventh Year of the last Reign. They next appointed and named the Bishops and Lords, with other Persons that were to be of the King's Council. All which Persons took upon them to act, on certain Rules and Articles assigned them, far stricter than the last, and very derogatory to the Power of the Protector. Amongst the rest, says *Cotton*, one carries with it a very good Face of Justice, viz. That the Clerk of the Council shall be sworn, alway, to prefer and promote the poorest Man's Suit, or Bill, before any other; and that the King's Sergeant shall take no Money for any Counsel therein.

The *French* War was still carried on by the Regent against the *Dauphin*, who was, by his Party, stiled *Charles* the Seventh, with various Success; whilst the Protector

M 4

(*m*) HALL's Chron. See also. J. Stowe, P. 365.

(*n*) BIONDI's Hist. of the Civil Wars between the Houses of York and Lancaster. P. 25. Hen. VI.

(*o*) Ibid. P. 366.

King Henry VI. Protector, *England* being loaded with many difficult Affairs of State, thought fit to call another Parliament, in order to extricate himself out of them. The Writs of Summons were dated the 24th of *February*, and returnable, at *Westminster*, the last Day of *April* following. The Protector and Council thought it necessary, in order to engage both Lords and Commons more zealously in their Interests, to bring the Infant-King into the House; and, accordingly, on the Day of their Meeting, he was carried thro' the City, on a great Horse, to *Westminster*. The People flock'd in great Multitudes to behold him; and imagining with themselves that they could discern the Features and Virtues of his Father, to be transplanted into him by Nature, they loaded him with loud Acclamations and hearty Wishes of a long and happy Life (*p*). Being come to the Palace, he was from thence conducted to the House of Lords, and sat on his Mother's Knee in the Throne. It was a strange Sight, says one, and the first Time it ever was seen in *England*, an Infant sitting in his Mother's Lap, and before it could tell what *English* meant, to exercise the Place of Sovereign Direction in open Parliament (*q*). Yet, so it was, for the Commons being called, the Bishop of *Winchester*, then Lord Chancellor, opened the Cause of the Summons in Manner following;

For the Head of his Discourse he chose these, Words, *Gloria, Honor, et Pax, omni operanti Bonum*; this he divided into three Branches, viz. *Bonum honestum*, which consisted in the due Obedience of the Subject; *Bonum delectabile*

(*p*) HALL's *Chronicle* Fol. XXIII. 3 Henry VI. *Hollingshead*, 589. *Fabian* gives an Account of this Procession in these Words, 'Two Days before the Parlement met, the Kinge with the Queene his Moder came thorough the Cytye from Wendesore, and when he came at the West Dore of Poulys, the Lorde Protector toke him out of the Chare, and so was ledd upon his Fete, between the Sayde Lorde Protector and the Duke of *Exeter* unto the Steppes goyng into the Quyer. From whence he was borne unto the hygh Aulter, and there kneled on a Traveise purveyed for hym. And when he had ben there he yode to the Rode of the North Dore and there made his Offerynges. And then was he borne in to the Church yerde, and there set upon a fayre Courser, and so conveyed thorough Chepe and the other Streetes of the Cytye unto S. *George's* Barre, and so held his Journay to his Manour of *Kenington*. In the same Manner he was conveyed thorough the Cytye to *Westminster* to mete the Parlement.' *Fabians Chron.* Part 7. Fol. 181.

(*q*) *Speed's Chron.* P. 651.

Anno Regni 3.
1425.
At Westminster.

The Infant-King carried to the House.

leſtabile, which was giving good Council; and *Bonum* King Henry VI. *utile*, which was the free and willing Relief they owed to their Prince and Commonwealth.

By the firſt, he argued that God was moſt glorified; by the ſecond, the Prince beſt honoured; by the third, the Subject's Safety better guarded. According to the ſaying in St. Luke, *Gloria in excelsis Deo, in Terra Pax, et Hominibus bona Voluntas*. Glory is given to God by due Obedience in the Subjects; the Prince is honoured by having ſound Advice given him; and the Subjects governed in Peace by relieving their Prince. And, in this he affirmed, that Princes ought to be obeyed tho' they were evil; according to the Command of St. Peter, *obedite Præpoſitis*; for although they were not good in themſelves, yet, as they commanded many good Things to be obſerved, they ought to be obeyed; and put them in mind that, *Sicut Princeps tenetur regere regaliter, ſic Plebs obedire*.

On his ſecond Diviſion, relating to ſound Counſel, he urged this Text, *Salus ubi multa Conſilia*, and told them that an Elephant had three Properties, the one, in that he wanted a Gall; the ſecond for that he was inflexible and could not bow; and the third, in that he was of a moſt ſound and perfect Memory; all which Properties, by Application, he wiſhed might be in all Counſellors. That for their wanting a Gall, they might be thereby free from all Malice, Rancor and Envy; by being inflexible, that they ſhould not ſtoop to any Reward, nor in Judgment reſpect any Perſon; and of a ſound Memory, that they by calling to mind Dangers paſt, might prevent Perils to come (r).

His laſt Topic, for the Relief of the King; he urged that it ought to be done with all Readineſs of Mind, conſidering that God, by the young Prince, his choſen Veſſel, there before them, had not only governed them in Safety, but had, alſo, given to them many honourable Victories and great Conqueſts; all which ought to enforce them more willingly to offer, that their Grants ſhould be more readily taken. Laſtly, he deſired the Commons to go together and chuſe their Speaker and
preſent

(r) Lord Coke's Character of a Member of Parliament, burleſqu'd by Dr. Swift, ſeems to have been borrow'd from this Speech.

King Henry VI. present him the next Day. Accordingly, they presented Sir *Thomas Nanton* Knight, for their Speaker, before the King and Lords, whose Excuse being not allowed, he, with the usual Protestation, was accepted of.

Sir Thomas
Nanton elected
Speaker.

But the Business of this Session was much interrupted, by a Quarrel between two great Men about a Right of Precedency. *John Mowbray*, Earl Marshal, and *Richard Beauchamp*, Earl of *Warwick*, were the two Antagonists; and each laid Claim to the higher Place in the Parliament-House. They were, however, commanded not to come to the House, till the Matter between them was fully heard; and learned Counsel was allowed them to plead and speak to their respective Claims. The Duke of *Glocester*, as Protector, with the Bishops and the rest of the Peers sat as Judges; and they, with the Members of the *Lower House*, were all sworn to give upright Judgment in the Cause, without Favour or Affection.

The Commons
consulted in a
Case of Prece-
dency in Peerage.

Sir *Robert Cotton*, in his *Abridgment*, has taken Pains to extract, from the Record, the Substance of the Pleas on both Sides; which is prefixed to his Account of the Proceedings of this Parliament. Therein the Pedigrees of those two ancient and noble Families are fairly set forth, in order to support their several Claims.

For proving the Earl *Marshal's* Title, *Roger Hunt*, his Counsel, exhibited to the Lords a Pedigree, wherein it was demonstrated, that the said Earl *Marshal* came of the Royal Blood, and gave the Arms of *England*, with a Difference, in his Escutcheon. The said Pedigree deduced the Earl *Marshal* from King *Edward I.* and shewed the Earl to be allied in Blood to the present King, from *Thomas* Earl of *Lancaster*. It, also, shewed that the said Earl was related to the King by the Line of the Earl of *Arundel*. Wherefore the Counsel pleaded, that his Client should have the Preference.

Sir *Walter Beauchamp*, Counsel for the Earl of *Warwick*, produced, also, a Pedigree; and, in shewing the great Antiquity of the Family, he proved, by many Authorities, that Antiquity hath had Superiority to the Blood Royal. By these Arguments he enforced the Title of the Earl of *Warwick*; but insisted, chiefly, on the said Earl's great Possessions; which he made the strongest Plea in his Favour.

The

The Counsel for both these Earls having finished King Henry VI. their Pleas and demanded Judgment; it might perhaps have perplexed the Ministry how to please them both, but, that a Method was devised to do it effectually. The Earl *Marshal* had been, privately, required to put in his Claim for being restored to the Title of Duke of *Norfolk*; according to the Creation of *Thomas* his Father, and as Brother and Heir to *Thomas*, who died without Issue, Son of the said *Thomas* his Father(s); which Claim, when it was publickly made, was, for several Reasons, granted and confirmed by Parliament. By this Way, the Precedency was out of Dispute betwixt them; and the Earl of *Warwick* was the Occasion of helping his Antagonist to the Dukedom against his Will; which the other, perhaps, would never have obtained without it.

It may, well, be supposed, that this Dispute between these two Noblemen took up the whole Business of the Parliament this first Session; for we meet with no other Proceeding till *May* 15th, when the Duke of *Glocester*, by Commission under the King's Letters Patents, prorogued it for a Week longer.

The First Things we find that they went upon, in this second Session, was by common Assent, to grant, A Subsidy. as an Aid, the former Subsidy on Wools for three Years longer; and Tonnage and Poundage for one Year; upon Condition, that foreign Merchants should be strictly looked to for their Duties.

The Lords of Parliament, by Name, promised, on their Honours, that they would not hinder the Bishop of *Winchester*, but further such Security as he should obtain from the King, for Money by him lent to the Government. And, it was enacted, That the King's Council should have Power to give Securities to the said Bishop, and to other of the King's Creditors for such Debts as were due to them. Also, the said Bishop having obtained the King's Letters Patents to receive 20,000 Pounds, out of the first Money arising from the King's Customs or Revenues of the Crown, the same was confirmed to him by Parliament.

Sir *John Cornwal* Knight, Father-in-Law to the Earl of *Huntington*, then Prisoner to the Earl of *Vendosme* in France

(s) He was beheaded for High Treason against Henry IV.

King Henry VI. *France*, having, by Assignment, the Wardenship of the Body and Lands of *John Arundel*, Son and Heir of *John Arundel* of *Arundel* Knight, except 500 Marks payable to the King, petitioneth, that the Yearly Rent of the said Estate might go towards Payment of 1800 Marks, disbursed to the Earl of *Vendosme*, towards the Ransom of the said Earl of *Huntington*; which was granted. And, at the Petition of the said Earl, the Lords of *Gancourt* and *Tokervile*, French Prisoners, were delivered to the said Sir *John Cornwall* for 5000 Marks disbursed in Part of the said Earl's Ransom.

Petitions.

On Petition of *Ann*, late Wife to *Edmund* Earl of *March* and *Ulster* (t), it was ordained that the said *Ann* should have Livery of her Dower, on finding of any Offices after the Death of the said Earl, and upon her Oath not to marry. That Part relating to the Offices we do not understand; but this Lady was the Widow of the said Earl of *March*; and dying without Issue, he left his Honour and Estate to *Richard Plantagenet*, Earl of *Cambridge*, his Sister's Son; who, being thereby, Heir to *Lionel* Duke of *Clarence*, first began the Contest, between the two Houses, for the Crown of *England*.

There are several other Matters relating to more private Affairs, in the *Abridgement*, which we shall pass over; and only mention one which has a more public Concern, and which *Cotton* hath given us in these Words:

‘ It is enacted, that the Quarrel and Combat, betwixt
 ‘ the Duke of *Glocester* and the Duke of *Burgundy*, do
 ‘ in no Case proceed; but that the same by the King’s
 ‘ Letters Patents be committed to the old *French* King,
 ‘ the King’s Mother, and the Regent of *France*; and
 ‘ that the Duke of *Burgundy* do deliver into indifferent
 ‘ Hands the Person of my Lord of *Glocester*.’

It is not easy to reconcile this Paragraph to the History

(t) This *Edmund* Earl of *March*, &c. had been a Prisoner of State ever since the Reign of *Henry IV*; was grown lame and decrepid with Age and Confinement; but this Year was happily released from his Misery. *HALL’s Chron.* 3 *Hen. VI.* Fol. xxiii.

Shakespeare hath given us a fine Scene of this same *Edmund Mortimer* giving his last Advice to his Nephew *Richard Plantagenet*, afterwards Duke of *York*, in Prison. *Henry VI.* Part first.

tory of the Times; it seems by this that the old *French* King was still alive, and that the Duke of *Glocester* was then a Prisoner to the Duke of *Burgundy*: Whereas all Histories agree that the *French* King had been dead two Years before; and that Duke *Humphry* was never a Prisoner to the other. It must be a Mistake in the *Abridger*, or his *Publisher*, in calling it the old *French* King, instead of Queen, or the Queen Mother of *France*; and some of our Historians tell us, that it was the Duke of *Glocester* who sent the Duke of *Burgundy* a Challenge for assisting the Duke of *Brabant*, in the Affairs of his elop'd Wife; and charging him with Treason against the King of *England* (u). But the Regent of *France*, considering, that it might be of very ill Consequence to the *English* Interest, became a Mediator between them, and made a friendly Conclusion, just when the Heroes had got every Thing prepared for the Combat. The Duke of *Glocester* had borrowed 20,000 Marks of the public Treasure, to enable him to raise Forces for the Recovery of his Lady's Dominions in *Flanders*; which was to be repaid in a certain Term of Years; and it was now ordained, by Parliament, that the Lords of the Council should take Securities for it. Duke *Humphrey* was very unsuccessful in this Expedition; for he lost the Lady and her Dominions, also; she became at last reconciled to her former Husband; and the Duke, to remove the Chagrin of such a Disappointment married *Eleanor*, the Daughter of *Reginald* Lord *Cobham*, who had before been his Mistress; which proved a very unfortunate Match to him (x).

King Henry VI.

There were several Acts made for the public Benefit this Parliament. The chief of which are, I. A-
gainst the Exportation of Sheep beyond Sea, without the King's Licence; because by carrying of Sheep into *Flanders*, and other Parts, the Wool of *England* would at length become of little Value, and the Woollen Manufacture of the Nation be greatly diminished. To remedy this, they laid on a heavy Tax of forty three

Several Acts pass'd for the Benefit of the Nation.

(u) *Biondi* says otherways, and makes the Challenge come from *Philip* Duke of *Burgundy* to the Duke of *Glocester*, for reflecting upon his Honour in this Affair. *Biondi's* Henry VI. P. 26.

(x) *Sam. Daniel* in *Kennet* P. 351. *Speed's* Chron. P. 653.

King Henry VI. three Shillings a Sack upon exported Wools, which was ten Shillings more than ever was paid before for the like Quantity. II. For the Exportation of Butter and Cheese, to encourage Husbandry; giving the Chancellor of *England* leave to grant Licences, at his Discretion, to such Persons as shall desire to vend the said Articles in foreign Parts, as well as at the great Staple at *Calis*. III. That all Merchant Strangers, within fifteen Days after they are landed, in any Port of this Kingdom, shall take Lodgings or other Habitations, in the Town or Place where the Port is, under some *Englishmen*; and shall not make any Sale of any Goods or Merchandize till they are so settled; and then shall sell all their Merchandize within forty Days next ensuing; and if any Goods remain unsold after that Time they shall be forfeited to the King's Use. This Act was intended for a double Benefit; first, that the King might not be defrauded of his Customs; and next, that Strangers might not by keeping of their Goods and Merchandizes, understand the Wants of the Nation and so raise the Prices. After passing these, and several more Acts, the Parliament was dissolved, and the Members sent back into their own Countries (y).

Quarrel between the Lord Protector, and the Bishop of Winchester, referr'd to Parliament.

About this Time it was, that a dangerous Quarrel was set on Foot between two very great Men, both chief Supporters to the House of *Lancaster*, *Humphrey* Lord Protector, and *Henry Beaufort*, the rich Bishop of *Winchester*, great Uncle to the King.

The latter of these, by his Magnificence and Grandeur, seemed so much to out-shine the Protector himself, tho' almost on the Throne, that he drew on him the Odium and Jealousy of the other. The haughty Spirit of the Bishop, being Legate to the Pope in *England*, was so great, that the Protector could not endure his Pride; and such an implacable Enmity grew between them, that great Parties were raised, on both Sides, for each other's Defence. In short, a civil War was much dreaded would be the Consequence; and, all their

(y) A Petition of the Commons was exhibited this Parliament, That all Parsons, Vicars, and others, having Cures, and not resident upon them, may forfeit their Benefices; one half to the King and the other half to the Patron. *Answer*. The King hath commanded the Archbishops of *Canterbury* and *York* to provide a Remedy. *Cotton*. 58r.

their mutual Friends could do, was not sufficient to pacify the Mind of the Protector, or to make the Prelate yield any further, than, as he thought, was becoming his high Place and State. In this Situation the Bishop, however, thought proper to write a Letter to the Duke of *Bedford*, Regent of *France*, to come over and endeavour to heal Matters between them. The Duke came accordingly, and calling a Council of the chief Nobility at *St. Albans*, many hot Contests arose; and, nothing being concluded at that time, it was adjourn'd to *Northampton*, but, to as little purpose; till, at last, it was determined, that these Differences should be referred to Parliament. Accordingly, Writs of Summons were issued out, dated *Westminster*, January 7, for one to meet, at *Leicester*, on the 18th Day of February following.

King Henry VI.

Anno Regni 4.
1426.
At Leicester.

At which Time and Place being assembled, in the great Hall of the Castle of *Leicester*, much Care had been taken to prevent any Tumults between the great Trains of the Protector and the Bishop, by strictly prohibiting any Person whatsoever, to come thither with Swords or any other warlike Weapon, Which Order, tho' it was literally observed, yet the Lords and their Attendants came armed with Batts, or great Clubs, on their Shoulders; from whence this Meeting got the Name of the *Parliament of Batts*; but this, also, as soon as it was taken notice of, was prohibited (z). Being all, at length, sat in a peaceable manner, as aforesaid, the young King being there, also, present, the Bishop of *Winchester*, as Lord Chancellor of *England*, declared the Cause of the Summons, in a very short Manner; for, after telling them that the King's Will was, that all Estates should enjoy their Liberties, he took his Subject from these Words of *St. Paul*; *Sic facite ut salvi sitis*.

The Parliament
of Batts.

These the learned Prelate divided into three Parts, and referred them ' First to God, for protecting the ' Faith of the Church, against all Invasions from *Lollards* and Hereticks; secondly, by imparting sound ' Counsel; and, lastly, by granting the several need-
' ful

(z) After this they took Stones and Plummets of Lead, and hid them in their Sleeves and Bosoms. *Fabian's Chron.*

King Henry VI. ‘ful Subsidies. By which, he affirmed, three Virtues
 ‘and Conveniences would follow, *viz.* Glory to God,
 ‘by protecting his Faith; Honour to the King, by re-
 ‘ceiving good Advice; and Peace to the Subject, by
 ‘their liberal Grants. In all which he desired, that
 ‘every Estate of this Parliament would labour; and
 ‘that the Commons would chuse, and the next Day
 ‘present their Speaker.’

The King’s Letters Patents were read, whereby he appointed *John* Duke of *Bedford* his Commissioner, to prorogue and dissolve this Parliament at his Pleasure.

Sir Richard Ver-
 non chosen
 Speaker.

The same Day the Commons presented, before the King, Sir *Richard Vernon*, Knight, to be their Speaker; who, with the common Protestation, was allowed.

Then the Commons expressed their great Dislike to the Dissentions between Duke *Humphrey* and the Bishop of *Winchester*, and moved for their Reconcilement. On which, the Duke of *Bedford*, some Bishops, and other Lords, made a solemn Decree amongst themselves, to hear and determine the said Difference, without Favour or Affection; and, at the same time to give no Encouragement to either of them to break the Peace. Which Order, after every one of the Lords had sworn to observe, they sent a Copy of it to the Commons. They then proceeded in the Matter, and, at length, caused the said Duke and Bishop, by their formal Instruments, to have their Disputes compromised, and referred to the Decision of a select Committee of certain Bishops and Lords; who, after some time, came to this Resolution about them: First, that the said Bishop of *Winchester* should submit himself to the King’s Mercy; which he did accordingly. And, then the Duke of *Bedford*, in open Parliament, pronounced the said Bishop innocent of what was alledged against him, in that he procured a Person to murder the late King, when he was Prince, as the Murderer himself confessed who was drowned by the Earl of *Arundel*. And, also, in that he should counsel and advise the said Prince to have deposed *Henry* the Fourth his Father. Likewise, it was awarded by the said Committee, that the Bishop should acknowledge his Offence to the Duke of *Glocester*, and, in a submissive Manner, ask his Pardon; that

that the said Duke should freely forgive him ; and, in King Henry VI. Token of a thorough Reconciliation, each should take the other by the Hand, which was accordingly done before the whole Assembly. Some time after the Bishop of *Winchester* petitioned the Parliament to be discharged of the great Seal, as Chancellor, which, by common Consent, was granted.

This is all the Account which the *Abridger of the Records* has thought fit to extract, relating to this strong Contention between these two Noblemen ; who, though so nearly related as Uncle and Nephew, yet they still carried on that implacable Malice against each other, as ended not but in the Death of one or both of them. However, our elder Chronicles are not so silent in this Matter ; they tell us, that when the Affair of the Quarrel was brought before the Parliament, and each Party allowed to plead his Cause freely, the Protector, who looked upon himself as the Person aggrieved, exhibited five Articles against the Bishop, to all which he was urged to give in his Answer. Which Articles, being very extraordinary, and then thought not unworthy a Parliament's Notice, cannot be beneath the Reader's Perusal.

ARTICLES (a) of Accusation presented to the Parliament Articles against
by the Duke of Gloucester, against Henry, Bishop of Henry Beaufort,
Winchester, with his Answers to them severally. Bishop of Winchester, with his
Answers.

I. That *Richard Woodvile*, Esq; Keeper of the Tower of *London*, did by the Instigation and Encouragement of the said Bishop of *Winchester*, deny Admittance to him the said Duke of *Gloucester*, then being Protector of the Kingdom, into the Tower, contrary

(a) A Copy of these Articles are in *Hall's* and *Hollingshead's Chronicles*, but they are only five in Number. The Answer the Bishop gave to the Substance of the Letter is made a separate Article. The Letter itself, which the Bishop of *Winchester* sent to the Duke of *Bedford*, is preserved in our old Chronicles, in its original Language as follows :

' Ryht highe and mighty Prince and my righte noble and, after one, leveſt Lorde, I recommend me unto you with all my Harte. And as you deſyre the Welfare of the King our Sovereign Lorde, and of his Realmes of *Englande* and *Fraunce*, and your awne Health and ours also, ſo haſt you hether, for, by my Trouthe, if you tary we ſhall put this Lande in Adventure with a Felde, ſuch a Brother you have her.

King Henry VI. contrary to Reason and Duty, and in Derogation to the King's Authority.

To this Article the Bishop answer'd, ' That while
' the Duke of Gloucester was gone into *Hainault*, it
' happen'd, that many Pamphlets and Reports being
' dispers'd up and down the City of *London* tending to
' Rebellion, it was order'd by the Lords of his Maje-
' sty's Council, that *Richard Woodvile*, Esq; should
' with a sufficient Number of arm'd Men have the
' keeping of the Tower, and should not permit any
' Man to come into the Tower stronger than himself,
' without the special Commandment of the King, by
' the Advice of his Council. After this strict Charge
' the Duke of Gloucester returning out of *Hainault*, and
' not approving the fortifying the Tower, told the
' Citizens, who were dissatisfied at it, *That had he*
' *been in England it should not have been so*; and imme-
' diately going to the Tower demanded Admittance,
' but *Woodvile* not daring to give him Entrance came
' to the Bishop of *Winchester* for Advice, who told
' him, *That the Duke of Gloucester took more upon him*
' *than he ought, and that before he admitted him into the*
' *Tower, he ought to provide himself a sufficient Warrant*
' *of the King and Council for his so doing contrary to the*
' *former Order.*

II. That the Lord Bishop of *Winchester*, without the Advice or Consent of the Lord Duke of Gloucester, or of his Majesty's Privy Council, contriv'd and purposed to lay Hands on his Majesty's Person, and to have remov'd him from *Eltham*, the Place that he was then in, to *Windsor*, there to put him under the Government of such Persons as he pleas'd.

The Bishop's Answer to this Article was, ' That
' he never could propound to himself any Advantage
' by removing the King, or taking him into his Custody or Charge, nor did ever intend to meddle with
' any

God make hym a good Man. For youre Wisdom knoweth that the Profite of *Fraunce* standeth in the Welfare of *Englande*, &c. The blessed Trynity keepe You.'

Written in greate Haste on *Albalow* Even, by your true Servaunt to my Life's Ende, Henry *Winchester*.

See the Oath of the Lords, and the Arbitration, in *Hall's Chron.* Fol. XXVIII.

‘ any Thing about the King’s Person without the Advice of the Privy Council, as in Time and Place he could prove. King Henry VI.

III. That the Lord Bishop of *Winchester* knowing, that the Duke of *Gloucester* had resolv’d to prevent his Design of seizing the King’s Person at *Eltham*, laid wait for him, by placing arm’d Men at the End of *London-Bridge*, and in the Windows of the Chambers and Cellars in *Southwark*, to have kill’d him, if he had pass’d that Way; all which is against the King’s Peace, and Duty of a true Subject.

The Bishop’s Defence to this heavy Charge was this, ‘ That true indeed it is, that he did provide a certain Number of arm’d Men, and set them at the Foot of *London-Bridge*, and other Places, without any Intention to do any bodily Harm to the Duke of *Gloucester*, but merely for his own Safety and Defence, being inform’d by several credible Persons, that the Lord Duke of *Gloucester* had purposed bodily Harm to him, and gather’d together a Company of Citizens for that End.’

IV. That the late King *Henry* the Fifth told him, That when he was Prince, a Man was seized in his Chamber, who was hid behind the Hangings, and confessed after his Apprehension, that he was set at work by the Bishop of *Winchester*, to kill the Prince in his Bed. He was deliver’d to the Earl of *Arundel*, who drown’d him in a Sack in the *Thames*.

To this Accusation the Bishop reply’d, ‘ That he was ever a true and faithful Subject to his Sovereigns, and never purposed or contrived any Treason against any of their Persons, and especially against his Sovereign Lord King *Henry* the Fifth. And this he thought was sufficiently evident to any, that consider’d the great Wisdom and Courage of the said King, and the great Trust he reposed in him so long as he remained King, which he would not have done had he found him guilty of such Unfaithfulness to him while he was Prince.

V. That the Bishop of *Winchester* in the Sicknes of King *Henry* the Fourth, advis’d his Son Prince *Henry*, to assume the Government of the Nation before

King Henry VI.

fore his Father's Death, as the said Prince himself told him.

The Bishop reply'd, 'That this was meer Calumny, which could not be proved; and he hoped the Parliament would appoint them Judges, that he might vindicate his Honour, or else leave him to sue out his Right before suitable Judges.'

VI. That the Lord Bishop of *Winchester* had, in his Letter to the Duke of *Bedford*, plainly declared his malicious Purpose of assembling the People, and stirring up a Rebellion in the Nation contrary to the King's Peace.

The Bishop's Answer to this Accusation was, 'That he never had any Intention to disturb the Peace of the Nation, or raise any Rebellion, but sent to the Duke of *Bedford* to come over in haste to settle all Things that were prejudicial to the Peace; and though he had indeed written in the Letter, *That if he tarried, we shall put the Land in Adventure by a Field, such a Brother you have here*; He did not mean it of any Design of his own, but concerning the seditious Assemblies of Masons, Carpenters, Tilers and Plaisterers, who being distast'd by the late Act of Parliament against excessive Wages of those Trades, had given out many seditious Speeches and Menaces against the great Men, which tended much to Rebellion; and yet the Duke of *Gloucester* did not use his Endeavour, as he ought to have done in his Place, to suppress such unlawful Assemblies, so that he feared the King and his good Subjects must have made a Field to withstand them: To prevent which, he chiefly desired the Duke of *Bedford* to come over.'

Which are referred to a select Committee.

This Charge, and the Answers to it being thus delivered'd into the Parliament, the further Examination of it was by the Houses devolv'd upon a select Number of Lords, viz. *Henry* Archbishop of *Canterbury*, *Thomas* Duke of *Exeter*, *John* Duke of *Norfolk* (b), *Thomas* Bishop of *Durham*, *Philip* Bishop of *Worcester*, *John* Bishop of *Bath*, *Humphrey* Earl of *Stafford*, *Ralph* Lord *Cornwal*, and Master *Allenwicke*, Keeper of the Privy Seal,

(b) *John*, Lord *Mowbrey*, was not Duke of *Norfolk*, till after the Reconciliation of the Duke of *Gloucester* and the Bishop of *Winchester*.

Seal, who having thoroughly examin'd all Matters, acquitted the Bishop, and by a formal Award enjoin'd them to be firm Friends for the future; and by such Inducements wrought upon them, that they shook Hands, and parted with all outward Signs of perfect Love and Agreement, which gave a mighty Satisfaction to all People, both of the Clergy and Laity. And the King, by the Advice of his Council, made a magnificent Feast at *Whitsuntide*, to rejoice for this happy Reconciliation. At this Feast the Duke of *Bedford*, Regent of *France*, knighted King *Henry*, who immediately made *Richard Plantagenet* Earl of *Cambridge*, Duke of *York*; and restor'd *John* Lord *Mowbray*, Earl-Marshal, Son of *Thomas* Duke of *Norfolk*, who was banish'd by *Richard* the Second, to the Title and Stile of Duke of *Norfolk*; and made above forty others Knights. After this the Parliament sat till *June* the 15th following; but did nothing more than raise a Supply of Men and Money to carry on the Conquest of *France*, which were gather'd out of the great Cities and Towns of the Kingdom chiefly.

King Henry VI.

The Bishop acquitted of the Charge.

A Reconciliation between him and the Duke of Gloucester.

The whole Business of this Session of Parliament, was, almost employed, in settling the Differences between these two great Men, very little else of Moment being done at it. What is any ways significant, is as follows:

After the Bishop of *Winchester* was discharged of the Chancellorship, *John*, Bishop of *Bath* and *Wells*, was, also, dismissed from being Treasurer of *England*; and the latter delivered to the Duke of *Bedford* the King's great Seal of Gold, in a Leathern Bag, which the Duke took, shewed it openly, and afterwards gave the same to *John Kempe*, Bishop of *London*, as Chancellor of *England* (c).

The Bishop of *Durham*, by vertue of a Privy Seal to him directed, delivered the last Will and Testament of *Henry* V. which was sealed with the great and privy Seals of the private Signet, to the Lords of the Council, who gave the same to the safe keeping of Master *William Allenwick*, Keeper of the Privy Seal. It was then, also enacted, that the Lords of the Council shall have full

N 3

Power

(c) Soon after made Archbishop of *York*.

LE NEVE's *Fasti Ecc. Ang.*

King Henry VI. Power to bind the King, his Heirs and Successors, to his Creditors in one Security for 40,000 *l*.

It was enacted, That the King's Council should have Power to end all such Bills as are not finished by Parliament. And, *March* 20, the Chancellor of *England*, by a Commission from the King, prorogued this Parliament from the same Day, unto *Monday* next after the Feast of *St. George*, at *Leicester*, aforesaid.

A Subsidy.

But, tho' this Prorogation was only to the latter End of *April*, we hear of no more of their Proceedings 'till the first Day of *June*; when, by common Assent, the same Subsidy on Wools, &c. with Tonnage and Poundage, was granted for two Years, as in the preceding Parliaments.

Attack upon the Clergy.

In the Petitions we find, that another Stroke was made at the Clergy; which was, that no Man should make any Advowson, Presentation, Collation, or Induction, to any Foreigner of any Benefice or other Ecclesiastical Dignity, on Pain of a *Præmunire*. And, that every Person might present again for the Non-Residence of the Incumbent. To the first, the King will be advised; and to the other, the Bishops have promised to take Order therein.

The Pope's Menacing Letter to the Parliament, to repeal the Statute of *PROVISORS*.

It is probable these Answers of the King to the Petitions of the Commons, on the foregoing Heads, which amounted in the first to a Denial of passing the Bill, proceeded from the strong Remonstrances which *Martin V.* then Pope, had made both to the King and Parliament against it. The Pope's Letters on this occasion, are preserved by Bishop *Burnet*; the latter of which to the Parliament, requiring them utterly to repeal the Statute of *Provisors*, is so singular, as to deserve a Place in these Enquiries, in its own Language, under this Note (*d*). The next Instrument, from the same

(*d*) MARTINUS Episcopus, Servus Servorum Dei, venerabilibus Fratribus & dilectis Filiis, Nobilibus viris PARLIAMENTI Regni Angliæ, Salutem & Apostolicam Benedictionem.

Multis nunciis ac frequentibus exhortationibus, pro debito pastoralis officii, vos ac Regnum vestrum hætenus admonuimus, ut pro salute animarum vestrarum, & ipsius Regni honore quoddam detestabile Statutum contra Divinum & Humanum Jus editum, quod sine interitu salutis æternæ nullatenus servari potest, aboleretur. Et quoniam id sine Parlamento tolli

same Authority, contains the Substance of a Speech King Henry VI. made by the Archbishop of Canterbury to the House of Commons, to move them to a Repeal of that Act.

Upon the 30th of January this Session, the Archbishops of Canterbury and York, the Bishops of London, St. David's, Ely, and Norwich, with the Abbots of Westminster and Reading, went to the House of Commons, then sitting, according to Custom, in the Rectory of the Abbey of Westminster: And here, the Archbishop of Canterbury declared the Occasion of his coming, premising a Protestation, that neither

The Archbishop of Canterbury's Speech to the Commons, in favour of the Pope's Demand.

N 4

himself

non posse, ex parte Charissimi in Christo Filii nostri Henrici Regis Angliæ illustris, Dilecto Filio Magistro Juliano Causarum curiæ Cameræ Apostolicæ Auditori, tunc Nuncio nostro, responsum extitit, in quo (quam primum posset) convocato, quod sibi possibile foret pro nostræ Requisitionis executione se facturum, idem Rex pollicitus est, protestans Juribus ac Privilegiis Sanctæ Romanæ Ecclesiæ & Sedis Apostolicæ in nullo velle detrabere aut derogare. Nos volentes solita erga vos mansuetudine uti, decrevimus usque ad ipsius Parliamenti tempus expectare, sperantes quod tam Rex juxta suam Regiam Promissionem quam vos pro salute animarum vestrarum, Sanctæ ac Catholice secundum nostram Requisitionem concludetis. Itaque cum Parliamentum (ut fertur) jam instet, vos omnes quorum animas nostræ curæ Dominus noster Jesus Christus commisit, hortamur, monemus, obsecramus, ut unanimes vestrarum animarum salutem, ac conscientiarum puritatem præ cæteris rebus amantes, prædictum abominabile Statutum (quod qui observat vel observari faciat salvari non potest) penitus tollatur, & de Regno in perpetuum aboleatis. Quod si quis forsitan vobis contrarium persuadere audeat, quicumque ille sit, Sæcularis vel Ecclesiastici Status, tanquam hostem animarum vestrarum & honorum nullatenus audite; nec eum virum Catholicum reputetis, qui adversus Romanæ Ecclesiæ Auctoritatem, Juraque & Privilegia Sedi Apostolicæ Divinitus concessa, aliquid machinari præsumserit, quibus ipse Rex vester Illustris nolle ullatenus derogare publice protestatus est. Nos quidem ipsi sumus ab omnipotenti Deo Jesu Christo, super vos & Universalem Ecclesiam constituti, cujus Doctrinæ ac persuasioni sine ulla Contradictione omnimodam fidem vos & quilibet Christianus habere debetis: Nos tamen, etsi indignos, oves suas pascere Christus voluit, clavesque aperiendi ac solvendi Cælos tradidit. Et si quis nos audit, servi Christi testimonium Christianum audit; & si quis nos spernit, Christum spernere convincitur. Et quoniam de vobis ac singulis Christianis in districto Dei Judicio rationem reddituri sumus, ideo vos pro salute vestra tam sæpe tamque efficaciter admonemus; & ne quisquam sub alicujus damni temporalis prætextu vos ab hac nostra Catholica Doctrina submoveat, ecce nos promptos paratosque offerimus, omnibus causis, propter quas dictum Statutum conditum esse prætenditur, salubriter providere, ita ut nec Regno nec cuiquam privatæ personæ præjudicium aliquod ex ipsius Statuti abolitione possit accidere. Super his omnibus & nostra intentione, plene instructo dilecto Filio Magistro Joanni de Obizis, in dicto Regno Nuntio & Collectori nostro, dabitis Credentiæ plenam fidem.

Dat. Romæ apud Sanctos Apostolos, tertio Die Octobris, Pontificatus nostri Anno decimo.

Bishop Burnet's Collection of Records, Vol. I. P. 99.

King Henry VI himself nor any of his Brethren intended to offer any thing in prejudice of the King's Prerogative, or any other Part of the Constitution. After this Preliminary Discourse, he took this Text for the Subject of what he design'd to say, *Render unto Cæsar the Things that are Cæsar's, and unto God the Things that are God's.* From these Words he took occasion to state the Ecclesiastical and Civil Jurisdictions, and to point out the Barrier between the Church and State. From hence he went on to the Pope's Supremacy; and, that the granting *Provisions* was one Branch of this Privilege, he attempted to prove from Scripture, Prescription, and the general Consent of *Christendom*. He therefore requested the Commons to consider how much the Salvation of their own Souls, and the Happiness of the Kingdom, was concerned in giving the Pope Satisfaction; putting them in mind of the Danger of an Interdict, unless the Statute of *Præmunire* was repealed: And after he had press'd the Point home, and discover'd a great deal of Heartiness and Zeal in the Affair, even with Tears in his Eyes, he withdrew with the rest of his Brethren. The Commons debated the Matter, but were not satisfy'd, it seems, with the Archbishop's Arguments; for they came to no Resolution, either for repealing or explaining the Act above-mentioned: But, on the contrary, resolved to petition the King as aforesaid (e).

To which the Commons pay no Regard,

Anno Regni 6.
1428.

At Westminster.

The War with *France* still continued to be carried on with great Vigour on both Sides; but the *French* King and his Party had the worst of it by far, till the unfortunate Siege of *Orleans* was undertaken; which, being rais'd by that wonderful Heroine, *Joan la Pucelle*, the *English* Interest, in that Kingdom, from that Time forward, began to decay. A fresh Supply being much wanted for the War, Writs of Summons were ordered out for calling a Parliament to meet at *Westminster*, on the *Quindene* of *St. Michael*, or *October* the 14th, in the Year 1428. When being all assembled before the King, in the *Painted Chamber* of the Palace, *John Kempe*, Archbishop of *York*, then Chancellor, opened the Cause of the Summons, taking for his Text these Words

(e) BURNET, *ut supra*.

Words, out of *Maccabees*, *Sine Providentia Regali impossibile est Pacem Regibus dare*; from which he deduced two Heads of Discourse.

‘ The first, was the Duty of the Prince towards his Subjects; and the other the Duty of the Subjects to their Prince. The first of these he again subdivided into three other Points belonging to it; that the Subjects should be defended from any foreign Invasion; that Justice should be indifferently administred; and that Peace should be kept within the Realm. Three Things, he said, also, belonged to the Subjects; first, that they should grant large Supplies for their better Defence in Time of War; in Peace, that they would readily obey their Magistrates, and meekly to submit themselves to the known Laws of the Land. All which the better to accomplish, the King had called this Parliament, and confirmed all their Liberties: And, that Business might be sooner begun and ended, he desired the Commons to make Choice of a Speaker, and present him the next Day before the King.’ Accordingly the Commons chose *John Tyrril, Esq;* whose Excuse not being allowed, with the usual Protestation, he was admitted.

This Parliament is said to have sat, from the Date afore said, to the 8th Day of *December*; but no Account of any Business done at it, is given us. By reason of *Christmas* Holidays, it was then prorogu’d, by the Lord Protector, to the *Quindene* of *St Hilary*, or *January* the 28th following.

The first Thing we find then mention’d, is the Grant of a large Subsidy, which was three Shillings a Tun for all Wine imported, and twelve Pence in the Pound for all Merchandize. Besides this, there was a kind of a *Poll-Tax* granted, which, tho’ not general, was laid on every Parish that was worth ten Marks *per Annum*; ten of the chiefest Parishioners in it were to pay six Shillings and eight Pence a Head. And in every Parish that was worth ten Pounds a Year, the like Number of Parishioners were each to pay a Mark. In all Corporations, it was ordain’d, that every Person, worth above twenty Shillings, besides his Apparel and Household Goods, should pay four Pence each to the King;

King Henry VI. King; and so proportionably for every twenty they were worth more; by which means this Tax rais'd considerable Sums in the Cities and Boroughs.

Acts passed.

Several useful Statutes were pass'd this Parliament; First, That by reason of the quick Return of *Capias's* in the King's Bench, *Exigents* were granted and awarded, whereby divers Persons being by base and fraudulent Practices outlaw'd, their Goods and Chattels were immediately seiz'd as forfeited to the King; and so divers of his Majesty's good and faithful Subjects were utterly undone, as by Complaint of the Commons in Parliament doth appear. Therefore, before any *Exigents* shall be granted for the future, every *Capias* shall be directed to the Sheriffs, at least six Weeks; and if upon the Return the Judges shall think fit to grant an *Exigent*, they may proceed as formerly; but that if any be granted before the Return of the Writ they shall be void.

Second, That Sheriffs shall be oblig'd, under the Penalty of Forty Pounds, to deliver to all Plaintiffs, Tenants or Defendants, a true Copy of their Pannels six Days before the Assizes, when they shall be so requir'd by the said Plaintiffs or Defendants.

Third, Whereas Sheriffs by corrupt Juries have been wrongfully indicted to the Justices of Assize, for making false Returns of the Knights chosen in their several Shires to serve in Parliament, by which Means the Sheriffs were liable to pay 100 *l.* Forfeiture, and the Knights lost their accustom'd Wages in Parliament, without Remedy; therefore, it was enacted that the Sheriffs and Knights against whom any Inquests or Offices of undue Election are found, shall for the future have their Answer and Traverse to such Inquests and Offices, and shall not be endamag'd till duly convicted.

Fourthly, It was ordained also by this Parliament, that several Commissions of Sewers should be issued out by the Chancellor of *England*, into different Parts of the Kingdom, to cleanse and repair all Walls, Ditches, Gutters, Bridges, Wears, &c. to prevent the great Inundations of the Sea and Rivers, which had then happened in divers Parts of the Nation. And, a Form of a Commission was compos'd on Purpose that it might be the
more

more effectual; and an Order it annex'd to it, that for ^{King Henry VI.} ten Years next ensuing they should be so strictly executed, that all Water-Courses should be cleans'd, and the Nation secur'd against frequent Inundations.

Some Matters of less publick Concern next occurs; as that it was ordained, by the King and the other Estates of the Realm, that no Man should contract or marry himself to any Queen of *England*, without a special Licence first obtain'd from the King, on the Forfeiture of all his Lands and Goods to the Crown. It is remark'd by the *Abridger*, that the Bishops and the inferior Clergy agreed to this Bill, so far as not to contradict the Laws of God, and the Church, and so as no deadly Sin should be occasion'd by it. It is ^{The Queen Dow-} probable that this Act was occasion'd by the humble ^{ager marries} Marriage of Queen *Katherine*; who about this Time ^{Owen Tudor.} had thought fit to take to her Bed, *Owen Tudor*, a *Welsh* Gentleman of no great Fortune, but said to be descended from their *Cadwallader*, the first of the *British* Princes, and a long Race of his Descendants (*f*).

Although the Breach between Duke *Humphrey* and the Bishop of *Winchester* had been in some Measure closed by a formal Concord and Agreement, made publicly in the last Parliament, yet it was too wide, at first, ever to admit of a thorough Re-Union. The ^{The Bishop of} Prelate, by his Interest or his Money, had found Means ^{Winchester made} to obtain a Cardinal's Hat from *Rome*; and by this ^{a Cardinal.} Elevation in the Church thought himself more than equal, in Dignity, to the Protector of *England*. The latter's Jealousy, in being eclips'd, we may suppose, occasion'd a Motion being made, in this Parliament, to both Houses, by himself, for explaining the Title and Power of a Protector, or Defender of the Realm; affirming, that he would not sit in the House till he understood what it was, since, as he said, People spoke differently of it.

This Affair was taken into Consideration by the ^{A Dispute be-} King's Council and the Lords of Parliament; and after ^{tween him and} due Deliberation this Answer was returned to the Duke ^{the Duke of Glo-} by them. 'That they did not think he had any great ^{cester decided in} his Favour. ' Right

(*f*) *Biondi.* Sam. Daniel in *Kennet.* p. 382.

King Henry VI. ' Right to be Protector, yet to satisfie his Desire they
 ' were content he should be so, and have such Power as
 ' was allowed him by Parliament in the first of this
 ' Reign. But, that the Name of the *Protector* and
 ' *Defender* imported, only, a personal Duty of Atten-
 ' dance, in the actual Defence of the Realm against fo-
 ' reign Enemies and inward Rebels; and not any par-
 ' ticular Authority, such as properly belongs to Tutors,
 ' Lieutenants, Governors or Regents, for if they had
 ' designed otherwise they then would have expressed it
 ' at the Time aforesaid. Thus, it was allowed that
 ' in Council, as principal Counsellor, he had Pre-
 ' eminence; but in Parliament, he had no Claim to
 ' any higher Place than as Duke of *Glocester*; so they
 ' desired him to be content with his Place in Parliament
 ' and with the other Power assigned him, for they should
 ' agree to no other Determination.' This Order, or A-
 ' ward, was subscrib'd by all the Bishops, Lords and others
 ' of the King's Council there present. Lastly, it was
 ' enacted, by Consent of Parliament, that the Lords of the
 ' King's Council should have full Power to determine all
 ' Petitions not yet ended, with the Advice of the Judges.
 ' And, accordingly, several Bills and Petitions were an-
 ' swered and indorsed, by certain Lords, named in the
 ' Record, who met in the *Star-Chamber* for that
 ' Purpose.

J. Stowe tell us of an odd Affair, that, he says, hap-
 pened this Parliament, which was this;

A Female Re-
 monstrance to
 Parliament a-
 gainst the Duke.

' One Mistress *Stokes*, with divers other stout Wo-
 ' men of *London*, of good Account and well apparrell'd,
 ' came openly to the upper House of Parliament,
 ' and delivered Letters to the Duke of *Glocester*, to the
 ' Archbishops, and other Lords there present, containing
 ' Matters of Rebuke and sharp Reprehension to the said
 ' Duke of *Glocester* because he would not deliver his
 ' Wife *Jaqueline*, out of her grievous Imprisonment,
 ' being then detained Prisoner by the Duke of *Burgun-*
 ' *dy*, and suffering her there to remain, unkindly,
 ' whilst he kept another Adulteress, contrary to the
 ' Law of God and the honourable Estate of Matri-
 ' mony (g)'. But what good Success this virtuous Re-
 monstrance,

(g) *Stowe's Chron.* P. 369.

monstrance, from the Ladies, had, our Author is silent ; King Henry VI. we may very well suppose their Arms too feeble to hurt so great a Man as the Lord Protector.

The next Year, being the eighth of this King, another Parliament was summoned to meet at *Westminster* on the Day after the Feast of St. *Matthew*, or September 22d ; and being all assembled, the King himself sitting in the Chair of State, in the *Painted Chamber*, John Archbishop of *York*, Lord Chancellor, opened the Cause of this Summons, under these Words of St. *Luke*, *Quomodo stabit Regnum, &c.*

Anno Regni 8.
1429.
At Westminster.

From which Text, he argued ‘ That in the Realm of *England*, three Causes were to be noted which hindered its Advancement. First, Want of Faith, was the Root of all Vice, *Eo quod sine Fide impossibile est placere Deo* ; the Second, Want of Fear, which was the chief in every good Mind, *Nam qui nihil timet, negliget* ; and, Lastly, the Want of upright Justice, the Pillar of every Kingdom, for, *Ex Justitia sequitur Pax, et ex Pace Rerum Abundantia maxime procreatur.*

‘ Instead of these three Virtues, three abominable Vices, he said, were sprung up ; namely, Infidelity, by Errors and Heresies ; Obstinacy, instead of Fear ; and Oppression in the Place of Justice. Through Infidelity, he told them, that the late Troubles in *Germany*, and the Destruction of the Kingdom of *Bohemia* had happened. Fear, he again divided in two Parts, the one spiritual and virtuous, as fearing God and Man for God ; the other carnal and vicious, from whence sprung Murmurs and Rebellion, which would procure such Destruction as happened to *Dathan* and *Abiram*. From Oppression, ensued the transferring of Kingdoms, according to the wise Man, *Regnum alienum in Regnum transfertur propter Injustitias & Injurias.* But that if true Faith, due Fear, and strict Justice was restored, there was then no doubt but this would be a flourishing Kingdom. He concluded, That as the Prince was bound to defend the Subjects, and to keep Peace, so ought the Subjects to grant largely to the Prince out of their Goods, that he might be enabled to perform the same,

to

King Henry VI. ' to which End the said Parliament was called. He
' then directed the Commons to chuse their Speaker, and
' present him as usual'.

William Allington, Esq; chosen Speaker.

The next Day the Commons came again before the King and Lords; when certain of their Members informed the House that they had chosen one *William Allington* Esq; to be their Speaker, but desired a Respite of two Days before they presented him; which, being granted, the said *William Allington*, on the fourth Day of the Session, made the usual Protestation, and was allowed.

The King crowned, and the Protectorship dissolved.

During the Sitting of this Parliament, the King having now entered into the ninth Year of his Age, and shewing a toward Pregnancy of Wit and Parts, it was thought proper to admit him, as it were, into his regal Dignity, by a Coronation. Accordingly, on the 6th of *November*, being the Feast of St. *Leonard*, the Ceremony was performed at *Westminster*, with great Solemnity. And, very soon after, a Motion was made in the House of Lords, ' That since the King
' had taken upon him the Protection and Defence of
' the Realm by his Coronation, the Name and Power
' of Protector and Defender, granted to the Dukes of
' *Bedford* and *Gloucester*, from the Day of the said Coronation, should utterly cease. And, that they the
' said Dukes should have the Name of principal Coun-
' sellors, only; any Order to the contrary, notwithstanding.' Which Motion, after some Debate, was agreed to by the whole House; and the Duke of *Bedford* standing up, in full Parliament, did relinquish the said Titles, as to his own Person, so always that the said Release should no way hurt his Title as Duke of *Bedford* (b).

It

(b) The Memorial of this whole Proceeding in Parliament, is in the Publick Acts; in which is this remarkable Clause.

Pro eo etiam quod, Avisamento diligenti & Deliberatione matura habitis inter Dominos Spirituales & Temporales, in præsenti Parlamento existentes, utrum dictum Nomen Protectoris & Defensoris, ex Causa prædicta, cessare deberet, necne? Auditisque & intellectis nonnullis notabilibus Rationibus & Allegationibus in hac Parte factis, tandem videbatur præfatis Dominis Spiritualibus & Temporalibus, quod dictum Nomen Protectoris & Defensoris, a Tempore Coronationis prædictæ, ex Causis prædictis, specialiter cessare deberet.

Nomine tamen, &c. Fæd. Ang. Tom. X. P. 436.

It was not till the twelfth Day of *December*, that a King Henry VI. Supply was granted by this Parliament, of one whole *Tenth* and one *Fifteenth*, to be levied on the Laity. A large Subsidy. Tho', afterwards, on the twentieth of the same Month, the Commons, at the special Instance and Desire of the Bishop of *Winchester*, just then made a Cardinal, granted another *Tenth* and a *Fifteenth*, to be levied as above. They, also, gave the King a Grant of Tunnage and Poundage, to continue till the next Parliament. This liberal Donation, at the Prelate's Request, shews, that the new-made Cardinal was in high Esteem with them, at that Time ; and his Title has gained a Place in the Records themselves, as follows :

Reverendissimus in Christo Pater Dominus Henricus, Permissione divina, Titulo Sancti Eusebii Presbyteri Cardinalis in Anglia nuncupatus.

On the same Day the Chancellor, by the King's Command, and the Consent of the Bishops and Lords, prorogued the Parliament unto *Monday* next after the Feast of St *Hilary* next ensuing, on account of the Holydays.

Being again assembled, the first Thing they did was to take under Consideration, the present high Estate of the Cardinal Bishop of *Winchester* ; because that Dignity exempted him from being of the King's Council, but at his own Pleasure. Therefore, the rest of the Bishops and Lords consented to join in an humble Request to the said Cardinal, that he would vouchsafe to be made one of the Council, under a Protestation that the said Cardinal should absent himself in all Affairs and Counsels of the King, whenever the Pope or See of *Rome* was concerned in them. Which Request, so made, the Cardinal condescended to grant under the said Condition.

This High Priest was at that Time in such Estima- The Cardinal in tion, also, with the Commons, in Parliament, that great Esteem they unanimously joined in a Petition to the King, with the Commons, praying him, that, in consideration of the great and notable Services he had done the Crown, both under the present King and his Father, that he would grant him a full Pardon for whatever he had acted contrary to the Laws ; particularly in regard to the Statute of *Præmunire*.

King Henry VI. *Præmunire*. This Petition was granted; and, consequently, the Cardinal was screened from all Prosecutions. Two Acts were, also, passed in the Cardinal's Favour, at this Time, relating to some Loans of Money he had lent the King on his Jewels; which will be mentioned in the Sequel (i).

Authority was given to the King's Council to make Securities to several Creditors of the Crown, for the Sum of 50,000 l. It was also ordained, that the Treasurer and Victualler of the important Town of *Calais*, shall receive a certain Quantity of Mercantile or Staple Ware, and other Revenues, within the said Town, for the Payment of the Garrison there, and the necessary Reparations.

The

(i) This Petition, with the two Acts, are printed at large in *Rymer*; and the former being somewhat extraordinary deserves a Place, in this History, in its original Language.

Item PRIOUNT LES COMUNES que please a vous Tresgracious Seigneur.

Considerant les tresgraunds & notable Services & Naturesses, sibien a vous, come a vestre tresnoble Pere, qui Dieu assoile, awaunt ces Heures, faitez par le Tresverent Pere en Dieu, Henry Beaufort, Prestre Cardinale, south la Title de Saint Eusebe, & Evesque de Wynchestre, d'ordiner & grauntier, par Assent des Seigneurs Espirituelx & Temporel, en cest vestre present Parlement esteanz par Auctorite de mesme le Parlement, que le dit Henry Cardinal, par queconque Noun mesme le Henry soit nome, ne nul aultre, serra mye, pursue, vexce, emplede, ou grave, par vous, ou vos Heires, ou Successeurs, Royes d' Engleterre, ne par ascun aultre Person, a Cause d'ascun Provision, ou d'ascun Offense, ou Misprision, fait par le dit Henry en coudre ascun Estatut des Provisours, ou par Cause d'ascun Exemption, Resceit, Acceptation, Admission, ou Execution d'ascunz Bulles Papalles, a luy en ascun Maniere faitz, merque le dit Henry Cardinal, & chescun aultre, de toutes tielz Maner d' Actions, Pursutes, Empechements, et Vexations, et de toute Choses queux serroient en Offense de vos Leyes en celle Partie, a Cause susdit, et de toutz aultres Actions et Pursutes, dount Punissement, semblable al Punissement contenuz en l'Estatutz de Provisours, viendroit ou surdroit, soient, et chescun de eux soit, par mesme l'Autoritee, en vers vous, vos Heires et Successeurs, ent quitez & dischargez tout autrement, et que toutz tielz Actions & Pursutes, envers le dit Henry Cardinal, et Chescun aultre, a Causes surdites, soit extientes, et pleinement paritez, voidex, cassez et irrites.

Et que vous, vos Heires et Successeurs, soiez et soient, de tout Manere entresse, et de toutz Maners d' Actions et Pursutes, aver ou pursuer par celle Encheson, envers le dit Henry Cardinall et chescun aultre, foreclose et excluse pur toutz Jours, par le Auctorite susdit; ascun Estatutes et Ordinances, faitz a contraire, nient obstantz.

Responsio REGIS.

Fiat PROUT petitur, quantum ad prædictum Cardinalem, et omnes alios qui Occasione ejusdem Cardinalis impeti poterunt vel implacitari.

Fœd. Anglican. Tom. X. p. 516.

The valiant Lord *Talbot* being then a Prisoner in King Henry VI. *France*, the King, by common Consent, agreed to release Sir *William Bircham*, Knight, a *French* Prisoner, as Part of his Ransom ; provided the said Sir *William* was not impeach'd for the Death of the Duke of *Burgundy*. It is remarkable, that this Lord *Talbot* had served the late King, in his Wars, two Years, without any Wages. At the same Time it was agreed by Parliament, that the Duke of *Orleans*, Cousin to the King, who had been a Prisoner in *England* ever since the Battle of *Agincourt*, and was then in the Custody of Sir *Thomas Chamberworth*, Knight, should be deliver'd to Sir *John Cornwall*, Knight, by him to be safe kept. And that the Duke of *Bourbon*, taken at the same Battle, should be committed to the Custody of Sir *Thomas Chamberworth*.

This Parliament sat to the 23d of *February*, on which Day, as if they could not be tired with granting Money, they gave the King the same Subsidy on Wools, as was granted in former Parliaments, for two Years. And at the same Time, they consented to shorten the Payment of the last *Tenth* and *Fifteenth*, to relieve the pressing Necessities of the State. Another Subsidy.

Before they were dissolv'd, they also agreed upon certain Articles, Eighteen in Number, for the better Regulation of the King's Council. All which said Articles, every one of the Lords of the Council, whose Names are there specified, promised faithfully to perform. The *Abridger* has made but two Observations on these Articles : The one, that the Dukes of *Bedford* and *Gloucester* were accounted no higher in Council than as two of the same Body ; the other is, that all such Officers, civil or military, who have serv'd the King and his Father faithfully, should be first preferred to Places and Benefices in the King's Gift. A goodly Precedent, says *Cotton*, to encourage Officers to serve painfully and faithfully, when their Hoping is not turned to Haltering. Articles for the Regulation of the King's Council.

There were many Acts made in this Parliament which the Reader may, if he pleases, consult altogether in the *Statutes at large*. But an Account of two or

King Henry VI. three of them cannot well be omitted in these Inquiries. The first was, ' That the Bishops and the inferior Clergy coming to attend their Service in Parliament, shall have the same Privilege, in regard of the Protection of their Servants, as the Peers of the Realm. That every City, Borough, and Town in the Kingdom, shall have at their own Charge a common Balance and Weights, sealed according to the Standard of the Exchequer, in the keeping of the Mayor, or Constable. At which Balance all the Inhabitants of the same City or Town were to weigh, without paying any Thing ; but Strangers were to pay a small Premium there specified.

Acts relating to Privilege ;

Also to Weights and Measures ;

Votes for Knights of Shires limited to Freeholds of 40 s. *per Annum.*

It was also enacted, ' That whereas Knights of the Shire had of late been chosen by outrageous and excessive Numbers of People, and of small Substance ; for the future, the said Knights shall be elected in every County, by People dwelling and resident in the said Counties, whereof every one shall have, in Lands or Tenements, to the Value of *forty Shillings*, by the Year, at the least, above all Charges ; and that they which shall be so chosen shall be dwelling and resident within the said Counties.

In the Parliament, 10th *Henry VI. Anno 1432*, it was declared, ' That the said forty Shillings *per Annum* must be Freehold.' This Statute is in Force at this Day ; but the Difference in the Value of Money, then and now, will be best ascertained by the Price of Provisions near this Period. Amongst the Petitions there are also some, with their Answers, which deserve our Notice.

Petitions and Answers.

Pet. That the Statutes, made on all Appeals for Things done out of the Realm, shall be tried before the Constable and Marshal of *England* ; and that all done within the Realm, be tried by the Laws of the Nation.

Ans. The Statutes made for that Purpose shall be kept.

Pet. That Sheriffs, and such other Officers, be not impeached by Process out of the Exchequer, for Things not leviable.

Ans.

Answ. The King's Council shall have Power to de- King Henry VI.
termine this Matter.

Pet. That all Burgeſſes of Parliament may have their Writs to the Sheriff of the ſame Shire, to levy their Fees and Wages.

Answ. The King will be adviſed.

Pet. That all ſuch Soldiers as paſs thro' the Realm, may pay for their Victuals and Lodging.

Answ. The King will be adviſed.

Pet. That all Lands, whatſoever, do contribute to the Payment of Knight's Fees coming to Parliament, excepting the Lands of Biſhops, Peers, and Towns who ſend Burgeſſes.

Answ. The ſame as before.

Complaint being made to the Houſe of Commons, that one *William Lake*, Servant to *William Mildred*, one of the Burgeſſes for *London*, was committed to the *Fleet* on an Execution of Debt; he was immediately diſcharged by the Privilege of the Houſe; and Authority Privilege of Parliament. given to the Chancellor to appoint certain Perſons, by Commiſſion, to apprehend him after the End of the Parliament. Sir *Robert Cotton* remarks that no ſuch Man, as is here mentioned, can be arreſted in the Time of Parliament, but for Treason, Felony, or Breach of the Peace.

This Parliament being diſſolved on the 23d of *February*, ſome Petitions which were not answered, were left, as was uſual in thoſe Days, to the Determination of the King's Council,

Immediately after the Diſſolution of this Parliament, the young King *Henry* ſet out for *France*, attended with a great Train of the *Engliſh* Nobility and Gentry; and arriving ſoon after at the City of *Roan* in *Normandy*, he made his Abode there all the Summer. And, in *November*, in the Year 1430, the Henry crown'd Eighth of his Reign, he was with the greateſt Solemnity King of France. crowned King of *France* at *Paris*.

Whiſt the young Monarch and his Council were exerciſing the regal Power abroad, the Duke of *Gloceſter*, who had been left Regent in his Abſence, knowing the preſſing Occaſion they had for Men and Money, in order to carry on the *French* War, was obliged to

King Henry VI. call a Parliament, at home, for that purpose. Writs were sent out, dated *November 7th*, and returnable at *Westminster*, the 12th of *January* following.

Anno Regni 9.

1431.

At Westminster.

Being all met in the *Painted Chamber*, *Humphrey Duke of Gloucester*, called now Guardian or Keeper of *England*, being seated in the Chair of State, the Commons being also present, commanded *William Linwood*, Doctor of Laws, to open the Cause of the Summons, *John Kempe*, Archbishop of *York* and Chancellor, being absent by Sickness, who took for his Theme, *Firmabitur Solium Regni ejus*.

On this he endeavoured to demonstrate, ‘ That the
 ‘ King and Kingdom ought to be established by a three-
 ‘ fold Virtue. The first, by Unity, the next Peace,
 ‘ and the third by Justice. Unity he subdivided into
 ‘ other three Parts, *viz. collectivam*, as in gathering
 ‘ Goods together; the other, *constitutivam*, as in com-
 ‘ paring the several Members of a Man’s Body; the
 ‘ third, *consentaneam*, as in Union of each Body my-
 ‘ stical, or politic. Peace, was, also, threefold; Peace
 ‘ Monastical, which every Man hath over himself;
 ‘ Oeconomical, as relating to the Government over
 ‘ his Household; and Political, whereby the good Estate
 ‘ of the King is best secured. And, lastly, Justice had
 ‘ its three Parts; the first, every Subject’s due Obe-
 ‘ dience to the Magistrates; the second, by advising his
 ‘ Neighbours and Equals; and the last, in relieving
 ‘ the Poor. He concluded with observing, that the
 ‘ aforesaid Unity was much broke within the King-
 ‘ dom by Whisperers and Misdoers; from which an
 ‘ utter Subversion was like to ensue. That it was the
 ‘ King’s full Desire that every Estate in the Realm
 ‘ should enjoy all their just Liberties; and prayed the
 ‘ Commons to choose their Speaker, and present him
 ‘ the next Day to the Guardian.’

John Tyrrel, Esq;
 chosen Speaker.

The same Day the Commons made a Report of their Speaker, as in the last Parliament; and on *January 15th*, they presented *John Tyrrel Esq*; whose Excuse being refused; with the accustomed Protestation, he was allowed.

The very first Thing that they went upon in this Parliament, was the Supply; and a Grant was agreed on,

on, of one *Tenth* and one *Fifteenth*, and a third of both. King Henry VI. They, also, gave *Tonnage* and *Poundage* for two Years, with a Subsidy of the like Value on all Merchants A Subsidy. Aliens, over and above the said *Tonnage* and *Poundage*. The Commons, also, granted to the King twenty Shillings from every Layman holding a Knight's Fee, and according to the Value under or over. The same from the Clergy for all Lands purchased since the 20th *Edward* I. And that all other Persons having Hereditaments to the Value of Twenty Pounds, over all Reprises, not held as above, shall, also, pay Twenty Shillings; and so according to Rate. This is another A Land-Tax. Instance of a Tax on Lands and Tenements.

An Act was passed this Session, to empower certain Lords, of the King's own Family, to be Commissioners for treating of a Peace with the Person called here, only, the *Dauphin* of *France*.

It was ordained, that the King's Council, and other Head Officers, expressed in the Record, should have Yearly out of the Exchequer, by way of Reward, such Fees as are there particularly mentioned. And, at the same time Authority was given to the King's Council, to make Securities to the King's Creditors, for the Loan of 50,000 *l.* as in the last Parliament.

Several Affairs, relating to private Property, were transacted this Session: But, only, one is remarkable enough for our Purpose; since it made a great Noise at that time, and produced an Act of Parliament, still in Force in our Statute-Books. The Case was this:

A Charge of Bastardy was alledged against *Eleanor* the Wife of *James* Lord *Audley*, who claimed the Inheritance of *Edmund* Earl of *Kent*, as being his eldest Daughter, and a legitimate Issue, or *Mulier*, by *Constance* his Wife; for the Proof of which, she had procured a *Certificate* from the Ordinary. Against this Claim, the other Daughters of the said *Edmund* Earl of *Kent* presented a Petition to Parliament, alledging, that the said *Eleanor* was a Bastard; that her Mother *Constance*, the late Wife to *Thomas* *Despenser*, was never married to the said Earl; and that the said *Certificate* brought from the Ordinary, was obtained by Fraud. All this being fully proved, in order to prevent such

Acts relating to
Bastardy;

King Henry VI. Proceedings for the future, an Act was made, 'That
 ' in all Pleas, wherein Bastardy is alledged against any
 ' Person, Party to the said Plea, the Judge, or Judges,
 ' of or in the Courts where the said Plea is depending,
 ' shall certify it to the Chancellor of *England*, for the
 ' Time being, to the Intent that Proclamation be
 ' made in the said Chancery, for three Months, once
 ' in every Month, that all Persons who have any
 ' thing to object against the said *Mulier*, or Person
 ' pretending himself a legitimate Issue, may put in
 ' their Allegations and Objections before any *Certifi-*
 ' *cate* be given by the Bishops.'

To Executors of Wills ; An Act was, also, made to redress another Grievance,
 ' which was, ' That whereas under Colour of Outlaw-
 ' ries, sued out against certain Persons, Occasion was
 ' taken to molest others of the same Name, and to
 ' seize their Goods and Chattels, especially when they
 ' were dead, because there was no Remedy at Com-
 ' mon Law for Executors to recover such Seizures ;
 ' therefore, it was enacted by this Parliament, in fa-
 ' vour of Executors ; that in Defence of the Testator's
 ' Goods, a Writ called *Identitate Nominis*, should be
 ' granted to them, and should be as maintainable by
 ' them as by any other Person living.'

And Hindrance
 of Navigation by
 the Welch.

Complaint being made to the Houses, that the
Welchmen assembled in great Numbers, and being arm'd,
 did in a riotous and rebellious Manner, intercept and
 hinder the Boats, Trows, Floats called Drays, carrying
 Wares and Merchandises up the River *Severn*, to
Bristol, Gloucester, Worcester, and other Places, and broke
 the said Vessels, to the End that the Traders might
 have their Boats and Vessels of them only ; therefore,
 it was enacted, ' That all the King's Liege People
 ' should have free Passage upon the said River, to
 ' carry their Goods and Chattels as they please, with-
 ' out any Molestation from the *Welch* ; and if for the
 ' future, they any ways molested them in their Passage,
 ' or Traffick, the Party or Parties aggrieved shall have
 ' their Action at Common Law.'

Remarkable Petitions and Answers, in this Parlia-
 ment.

Pet. That all Outlawries in Actions personal, pro-
 nounced

nounced before the Statute of *Additions*, made the 1st of King Henry VI. Henry V. may be pardoned.

Petitions and
Answers.

Ans. The King will be advised.

Pet. That in the Writ of forging of false Deeds, the *Venire facias* may be of both Counties, as well where the Land doth lie, as where the Writ is brought.

Ans. The same as before.

Pet. That the Statute made *Anno* 8. Henry VI. Cap. 2. touching *Denmark*, may be utterly void and revoked.

Ans. The King expects to hear from his Ambassador at that Court; and in the mean time will be advised.

Pet. The Commons of *Northumberland*, *Cumberland*, *Westmoreland*, and the Bishoprick of *Durham*, pray, that the Merchants of *Newcastle*, may, at all Times buy, and transport their own Wools.

Ans. The King will be advised.

Pet. That Attachments and Prohibitions against Tythe of great Wood, may be granted to every Person out of either of the Benches.

Ans. The same.

Pet. That two Persons in every Hundred of the Realm, may by Commission, be appointed to search the due making of Woollen Cloths, and to seal the same, taking One Penny.

Ans. The King will be advised.

In Consideration of 200 *l.* paid by the Merchants of the Isle of *Ely* to certain Persons of the County of *Cambridge*, to buy Twenty Marks of Land by the Year; it is enacted, 'That the said Inhabitants for ever shall be discharged from paying any Thing towards the Fees of Knights of the Shire for *Cambridgeshire*.'

We have no Account how long this Parliament sat; but Historians tell us, that, before the Dissolution of it, Ambassadors came from *James* King of *Scots* to the Duke of *Glocester*, to desire that a Peace might be concluded between the two Nations. But the Duke, not willing to determine so important a Matter, without the Consent of the People, referred it to the three Estates, who, after long Consultation and many De-

King Henry VI. bates, settled a Peace with them. Which Peace it was then thought would long continue, because *Scotland* was so disturbed by home-bred Divisions, that no Molestation could be expected from that Quarter (*k*).

A Peace with
the Scots.

The young King stayed no longer in *Paris*, than till the Noblemen of *France* and *Normandy* had paid their Homage to him, after his Coronation; when he returned for *England*, landed at *Dover*, and was met in his Way to *London* by the Citizens, and conducted to *Westminster* with great Pomp, Triumph, and many Sorts of Pageantry.

Not long after the King's Arrival, the Council thought it necessary to call another Parliament; for which Purpose Writs of Summons were issued out dated *Feb. 25*, for one to meet at *Westminster*, the 12th Day of *May* following.

Anno Regni 10.

1432.

At Westminster.

At which Time being assembled, in the usual Chamber within the Palace, the King himself on the Throne, and all the Lords and Commons attending, *John Stafford*, Bishop of *Bath* and *Wells*, then Chancellor of *England*, was commanded to open the Cause of the Summons; which he did in this Manner, taking for his Text these Words of *St. Peter*, *Deum timeate, Regem honorificate*.

‘ On which Words he remarked two Points, the
‘ first, a general Counsel to Princes, that they might
‘ learn Knowledge; to obey and serve God, according
‘ to the Words of the Prophet, *Nunc Reges intelligite,*
‘ *erudimini qui judicatis Terram, servite Domino in Ti-*
‘ *more.* The second, a Commandment to Subjects
‘ to learn to obey and honour the Prince, according to
‘ the Saying of the Apostle, *Omnis Anima sublimiori-*
‘ *bus Potestatibus subdita sit, non enim est Potestas, &c.*
‘ And again, *Reddite omnibus Debita, Tributum cui Tri-*
‘ *butum est, &c.*

‘ Which Points he learnedly enlarg'd upon, and en-
‘ deavoured to prove by many Examples, Authorities,
‘ and Similitudes, that the King and Realm of *Eng-*
‘ *land* might easily attain to the Heighth of Peace and
‘ Prosperity, if true Fear of God and Honour to the
‘ Prince were in the Hearts of the Subjects; wherefore
‘ for

‘ for the attaining thereto, and suppressing such Re- King Henry VI.
 ‘ bels as despised the Rights of the Church, and would
 ‘ destroy the Ministers of the same, was one Cause for
 ‘ the calling this Assembly. The other was, for the
 ‘ due Execution of the Laws, which was *Salus cujus-*
 ‘ *libet Civitatis et Regni.* And the last was, how to
 ‘ find Ways and Means to enrich the Subjects, who for
 ‘ a long Time had liv’d in great Want and Penury.’
 He concluded, as usual, with acquainting them, that the
 King desired that every Estate should enjoy its own due
 Liberties ; and that the Commons should chuse their
 Speaker, and present him the next Day to the King.

On the second Day of their sitting, the Duke of
Glocester stood up in the House of Lords and said, ‘ That
 ‘ he had been informed the Commons had made a Decla-
 ‘ ration, that if they could understand the Lords of the
 ‘ King’s Council intended to serve in their Station with
 ‘ perfect Unity, it would greatly encourage them to
 ‘ do their Parts effectually. That he promised, for
 ‘ his Part, that although he was Chief President of
 ‘ the Council, yet he would act nothing without the
 ‘ Consent of the Majority of them.’ This Declara-
 tion of the Duke’s was, the next Day, made to the Com-
 mons, by the Chancellor.

The Day after, the Commons presented to the King John Ruffel, Esq; for their Speaker, who, making the elected Speaker.
 usual Protestation, was allow’d of. They, then, with
 the Consent of the Lords, granted one *Tenth* and half A Subsidy.
 a *Fifteenth* ; also one Year’s Subsidy on Wools, and
 the same Tonnage and Poundage, as in the last Parlia-
 ment. But the King releas’d the Increase of Six-pence
 on every Pound, laid then on all Merchant Strangers.

A great Complaint was made to the Houses, by the Another Quarrel
 Cardinal Bishop of *Winchester*, that he being in *Flan-* between Cardinal
ders, in his Way to *Rome*, was obliged to return back Beaufort and the
 in order to clear himself from a Report that had been Duke of Glo-
 spread that he was a Traytor to the Realm ; of which, cester.
 the Duke of *Gloucester*, by the King’s Command, de-
 clared him guiltless. But Sir *Robert Cotton* here re-
 marks, that the true Reason of the Cardinal’s sudden
 Return, was, that having several of the King’s Jew-
 els in Pawn, he had order’d them to be sent after him ;
 which

King Henry VI. which Jewels, by Command from the King, or rather the Duke of *Gloucester*, were arrested at *Sandwich*. This brought the Cardinal back in a mighty Pother; and it appears by the next Article in the Record, that an Order was taken that the Cardinal should pay to the King 6000 *l.* more for them, and lend to him besides 14000 *l.* which was done accordingly; and then he was allow'd to take them, or leave them behind him, at his Pleasure. The King also, with the Consent of the other Estates, granted a Pardon for all Offences, and for all Penalties and Pains incurred by him on the Statute of *Præmunire*. Thus far Sir *Robert*; but another Historian (1) acquaints us, that when the Jewels the Cardinal had in Pawn were seized at *Sandwich*, he was then in *Flanders* upon the King's Affairs; but, on the News of the Seizure, he came over in all haste to *London*, without Leave; which gave the Duke of *Gloucester* Occasion to seize his Baggage. That, on the Day after his Arrival, he went to the House of Lords; and said, he was come to clear himself from the Crimes laid to his Charge, and vindicate his Innocency, against whoever should be his Accuser. That the Duke of *Gloucester* not thinking it proper to support what he had advanced, the Prelate was answered, that since none appeared to accuse him, he was acknowledg'd as a loyal Subject. He thanked the House for this Declaration, and desir'd it might be drawn up in Form; which was granted. Then he complain'd, that at his Arrival at *Sandwich* his Baggage was seized; and petition'd the Restitution. He maintained that the Seizure was made without Cause, and offered to lend the King 6000 *l.* for six Years; on Condition, that if the Seizure appeared to be lawful, the Money lent should be forfeited to the King's Use. He offer'd moreover to lend him the like Sum, and to defer the Demand of the 13000 Marks, due to him on another Account, provided the Payment of the whole should be assign'd out of the next Subsidy granted to the King. His Aim was to shew his Regard for the King's and the People's Wants. His Offers were accepted, and the Seizure restor'd. Thus the Duke of *Gloucester*, instead of hurting

(1) *Rapin's Hist. of Eng.* Fol. Edit. p. 334, 335.

ing his Enemy, had the Mortification to see him receive the Applauses of both Houses. Mean while this Discord produced very ill Effects. As the Duke of Gloucester had Friends and Adherents in the Council, the Opposition, generally between the two Parties, could not but be very prejudicial to the King's Affairs. For, whilst the Duke and the Cardinal thought only of their own private Concerns, the War in *France* was neglected, though it was more necessary than ever to support it with the greatest Efforts.

King Henry VI.

Which terminates in favour of the former.

We have chose to give this long Quotation from *Rapin*, as it particularly relates to this Design, and to set this Matter in as clear a Light as possible. The Authorities that Author quotes from, are some Instruments in the *Public Acts*, and *Cotton's Records*. The Reader may observe, that the latter differs widely from his Account, especially in Regard to the Seizure of the Crown Jewels; which was made on his going out of the Kingdom, and not on his Return into it. And it is certain, that the Duke of Gloucester was in the right to prevent the Cardinal from carrying such a Treasure over with him into Foreign Parts. However, the Prelate had Interest enough in this Parliament, to get the Petition from the Commons, made in the last, again ratified; with the two subsequent Acts for Restitution, &c. and all of them exemplified under the Broad Seal (*m*).

But to go on with the other Proceedings of this Parliament: Some more Matters of less Moment occurred; the principal of which are these,

The Commons petitioned the King, that the Fees and Wages of the King's Judges, Serjeants, and Attorneys, might be paid, which was ordered accordingly. And by Order of the Houses, certain Accountants of the King's Household, by Name, were pardoned their Offences.

On the Petition of *Richard* Duke of *York*, Brother to *Edward* late Duke of *York*, and Cousin-German to *Edmund* late Earl of *March*, to have Livery of all the Hereditaments belonging to the said Duke and Earl, by Ordinance of Parliament they were restored to him.

This

(*m*) *Fæd. Ang. Tom. X. p. 516, 17, 18, 19.* For an Inventory of these Jewels, with their particular Sorts, Weight and Value, see, also, P. 593, &c.

King Henry VI. This was the famous Duke of *York*, who first began the open Quarrel between the two Houses. In this Parliament, also, as was anciently the Custom, the King created the renowned Sir *John Cornwall* Knight, Baron of *Fannhoppe*; there to sit and enjoy the Liberty of a Baron.

Petitions and Answers.

Petitions and
Answers.

Pet. That the Defendant in an Appeal of Maim may make his Attorney.

Ans. The King will be advised.

Pet. That the Statute, made 7 *Hen. IV. Cap. 9.* relating to Merchants Strangers may be executed with this Adjunct, *viz.* Pains and Penalties on the *English* Merchants, and Officers of every Town for not executing of it.

Ans. The King will be advised.

Pet. That none be compelled to be examined in Parliament, or elsewhere, touching his Frank Tenant.

Ans. The same.

Pet. That such Persons as shall have their Goods taken by the Merchants of *Hans*, in their Parts, may have their Remedy by Action at Law in *London*, against the *Hans* Merchants residing in that City.

Ans. The same as before.

Pet. That no Merchant or other Person be impeached for the Seal of any Cloth, broad or narrow, after such Time as the *Alnager* (*n*) has sealed the same, and Custom is paid for it.

Ans. The same.

Pet. For speedy Redress of and in all Actions belonging to such Persons, as were Members of the House of Commons.

Ans. The same.

Pet. That all Parsonages, appropriated to some religious House, not endowing of Vicars on the same, may be within six Months unappropriated.

Ans. As before.

A Motion

(*n*) *Alnager*, *Aulnager*, in Latin, *Ulniger* or *Ulnator*, a Measurer of Cloth by Ell. This Officer was anciently, both *Searcher* and *Measurer* of Cloth as well as *Alnager*, and was Collector of the Subsidy granted to the King by the several Statutes; he had a peculiar Seal to denote the Defects which each Cloth contained. See *Jacob's Law Dict.*

A Motion was made, and a Device offered, for the King Henry VI. true making of *Gascoign* Wine.

Ans. The King will send this over to the Officers of *Guienne*, and appoint them to take Order therein.

Pet. That Prohibitions and Attachments may be had, upon the Statute of the 45 *Ed. III.* against Parsons suing for Tithe-Wood above the Age of twenty Years.

Ans. The Statutes, to that purpose provided, shall be observed.

At the Petition of the House of Commons, the King released utterly, on account of certain Doubts, the Subsidy granted in the last Parliament on Lands and Tenements, so as it never should be mentioned again. This looks as if all Parties were ashamed of such an uncommon Imposition on the Subject in those Days; tho' it is now no Novelty, and will continue, we fear, to be as immutable as Fate.

The King gives
up the Land-
Tax.

The *French* War had, about this Time, run greatly against the Interest of the *English* in that Kingdom; and, in the eleventh Year of this King, another Parliament was called, by Writs dated *May* 24, to meet at *Westminster* on the 8th of *July* following. Being all assembled, before the King, in the Painted Chamber of the Palace, the Dukes of *Bedford* and *Glocester*, both of them present; the same Chancellor, as in the last Parliament, declared the Cause of the Summons, and took for his Theme, *Suscipiant Montes Pacem Populo, et Colles Justiciam.*

Anno Regni II.
1433.
At Westminster.

‘ This Subject, he divided into three Parts, according to the three Estates of the Realm; by the Mountains, he understood Bishops, Lords and Magistrates; by the lesser Hills, he meant Knights, Esquires, and Merchants; by the People, he meant Husbandmen, Artificers and Labourers. To which three Estates he endeavoured to prove, by many Examples and Authorities, that a triple political Vertue ought to belong; to the first, Unity, Peace and Concord, without Dissimulation; to the second, Equity, Consideration and upright Justice, without Partiality; to the last, a due Obedience to the King, his Laws and Magistrates, without grudging. By strictly observing of all which, he affirmed, that infinite Blessings and great Acqui-

King Henry VI. ' Acquisitions would accrue to the Nation ; and that this
 ' very Assembly was called as a Means for that Purpose.
 ' Wherefore he enjoined the Commons to make Choice
 ' of their Speaker, and present him to the King as usual'.

Roger Hunt, Esq;
 chosen Speaker.

The Receivers and Tryers of Petitions being appointed, for the different Kingdoms and Countries under the Dominion of the *English* King, as was in those Days the constant Custom of Parliament, on the 11th, of *July* the Commons presented *Roger Hunt*, Esq; for their Speaker; who with the usual Ceremony, was allowed.

The 13th Day, the Duke of *Bedford* rose up before the King, in the House of Lords, and said ' That for
 ' two especial Causes he had come into the King's Presence, and left his Charge beyond Sea : The one was for
 ' the Safeguard of the King's Person ; and the other, to
 ' clear himself from some Slanders which were cast upon him, as that he had been the Occasion of the late
 ' great Losses in *France* and *Normandy*, by his Default
 ' and Negligence ; and offered to take his Tryal for the
 ' same'. On which the Chancellor, by the King's Command, declared ' That his Majesty took him for his
 ' true and faithful Subject, and most dear Uncle ; and,
 ' for his coming, at that Time, gave him most hearty
 ' Thanks'.

After this Parliament had sat a Month, the Plague began to break out in *London*; therefore, the Chancellor, by the King's Commands, called them all before him; gave them Thanks for their Attendance ; and, on the 13th, of *August* prorogued the Parliament to the fifteenth Day after St. *Michael*, ensuing, at *Westminster*. But, because the King's Occasions for Money were very urgent, and could not stay till the next Session, it was ordained, that the Treasurer of *England* should keep in his Hands 2000 *l.* for the Service of the Household.

It is to be supposed that this Parliament met again at the Time appointed, but we hear no more of their Transactions 'till the third Day of *November* ; when the Speaker of the House of Commons came before the King, in the other House, and shewed to his Majesty a Precedent, in the Reign of King *Edward* II. whereby
 that

that King commanded the Bishops and Clergy, to pronounce Sentence of Excommunication against certain Offenders at that Time. The Speaker then desired his Majesty to act in the same Manner, and cause the Clergy to excommunicate some that were then culpable. But, all that was done in this Affair, was, that the King took the Precedent, and promis'd to be advised. King Henry VI.

At the same Time the Speaker presented to the King and Lords one Article, amongst others, in an Ordinance of Parliament, made in the 8th of this Reign, whereby, it was established, That no Nobleman, nor other Person, should retain in his Service any Offender against the Law, or maintain any Title or Quarrel. Which Article, all the Bishops and Lords, there present, were sworn to observe. And, some Days after, the King commanded the Duke of *Bedford* to go to the House of Commons, and swear all the Members to perform the Article afore said, which he did accordingly.

The whole Nation sworn to the Observance of the Act against Quarrels.

And it was also enacted, by general Consent, That all the Lords, Knights, Esquires, Yeomen and other Persons throughout the Realm, should, by special Commissions, be sworn to perform the said Articles. This Act, or Ordinance, seems calculated to prevent the evil Effect of the then mortal Quarrel, between the Cardinal Bishop of *Winchester* and the Duke of *Glocester*.

November 24, the Commons came again before the King and Lords, and by their Speaker complimented the Duke of *Bedford*, on his warlike Behaviour and notable Deeds done in *France*; and particularly, for his Conduct in the Battle of *Vernoyl*. Besides, they commended him for his politic Government in the Regency of that Kingdom; and for which they desired the King to insist upon the said Duke's personal Attendance about him; and, after some Consultation amongst the Lords, the Duke, at his Majesty's Request, accepted the Office. But at the same Time he required, that six Articles might be agreed to by Parliament, relating to the Government, which was granted. And by these Articles, which the *Abridger* remarks, were all very reasonable, the Duke of *Bedford* recover'd some Part of the Prerogative which the Duke of *Glocester* had lost, thro' the malicious

Duke of Bedford Regent of France receives the Thanks of the Commons.

King Henry VI. malicious Intrigues of the Cardinal and the Clergy, who were his sworn Enemies. After this the Duke of *Bedford* took occasion to declare before the Parliament, That whereas he, and the Duke of *Glocester*, for their Attendance as principal Counsellors, or Presidents of the Council, had some Years an Allowance made them of 8000 Marks Yearly; at other Times 6000 Marks, sometimes 5000, but never less than 4000 Marks Yearly, he would now, for his personal Attendance, only require an Allowance of 1000*l.* a Year, and 500*l.* for passing the Sea into *France*, or repassing it, as oft as there was occasion. Which Demand, being thought very reasonable by both the Houses, was readily granted.

A Salary granted him.

A Subsidy ;

And a Vote of Credit.

Customs first so called.

The Subsidy granted by this Parliament, was a *Tenth* and a *Fifteenth*, to be levied on the Laity. They likewise granted the same *Tonnage* and *Poundage* as was given the last Year, for two Years to come; as, also, a Subsidy of 53*s.* and 4*d.* on every Sack of Wool for three Years ensuing. Authority was also given to the King's Council, to enter into Securities for 100,000 Marks for the present Occasions of the Government. A *Vote of Credit*, which, the Reader may observe, has been more frequent in this Reign than in any preceeding one. An Historian remarks, but erroneously, on the Proceedings of this Parliament, that no Taxes were given the King by it. 'Perhaps,' adds he, it was because the Duty of *Tonnage* and *Poundage*, which was given this King in his third Year was still continued. And, whereas, before they were granted for certain Years only, they were now indefinitely given him for the Service of the War; and from thence, as *Stow* says, they received the Name of *Customs*; *i. e.* usual and constant Payments (*o*).'

A Petition of *Thomas Langley*, then Bishop of *Durham*, was presented to the House of Lords, setting forth, 'That whereas the King had granted a Commission to certain Persons, there named, and they by virtue thereof sat and made Enquiry at *Horton Pool*, within the County-Palatine of *Durham*;' he therefore prayed that the said Commission might be revoked. Hereupon Sir *William Earl* Knight, the King's Attorney General,

(*o*) *Daniel in Kennet*, P. 372.

ral, very learnedly endeavoured to prove 'That the King Henry VI. said Bishop ought to have no County Palatine, nor Liberties Royal'. On the contrary, the Bishop produced his Authorities to prove his Right, and the Matter was strenuously debated between them. At last Judgment was given for the Bishop, and the said Inquisition returned into Chancery, or elsewhere, was declared null and void. The *Abridger* remarks, that the Record of this Matter is very long, and shews the Fullness of Power in the Liberties of this County Palatine.

The Liberties of the County Palatine of Durham, ascertained by Parliament.

Ralph Lord Cromwel, High Treasurer of *England*, petitioned the Parliament, that they would take into Consideration the State of the Revenues of the Crown and the Disbursements, the said Revenue being not able to supply the Expence by 35,000 *l.* Yearly; wherefore he prayed, that Order might be taken for the King's Household; that he may enjoy the Office as freely as others before him; and that no Grant be passed by the King without the Knowledge of him the said Treasurer. He also, by three long Schedules annexed, shewed the Particulars of the whole Revenues and Profits of the Crown, with the Charge out of the same in all Ways and Means. This was thought proper to be laid before the Commons, and all the Requests aforesaid were granted. The said Lord *Cromwel* by another Petition, also, shewed, that Warrants for Payments were come to him for more than two Years Profits of the Crown; wherefore, he desired, that the Consideration of the King's Estate might be speedy, and that a Prescription for his Payment should be made.

In the *Statutes at Large* are several Acts made this Parliament, on the Petitions of the Commons, very conducive to the publick Good. There are likewise some more Petitions, on Private Properties, in the *Abridgement*, not answering this Purpose. Some of the most remarkable Acts, we think proper to give an Abstract of, are as follows.

Acts pass'd.

I. It was provided by an Act, 'That such Persons as were Keepers of the *Stews* or *Whore-Houses* in *Southwark*, should not be impannell'd upon any Jury, nor keep an Inn or Tavern in any other Places, least Men

King Henry VI. of such vile Consciences and Practices should corrupt Justice, and propagate their Villanies over the Nation.'

II. It was enacted, 'That even Disseisors should not be put out of Possession by any Collusive Tricks of Law, as was then usual, by making the Sheriff the Disseisor, and then entring upon the Lands for the Default of the Tenant's not answering: Wherefore it was ordain'd, 'That all such Writs shall be abated and quashed: And

III. In the Behalf of the Person disseised wrongfully of his Lands, whereas before the Law was, that the Disseisee might sue the Disseisor in his Life-time, if he took the Profits at the Time of the Suit commenced, which to avoid, the Disseisors made over the Land by Feoffments to others, and so avoided the Suit: Whereupon it was enacted, 'That the Disseisees should have their Action as well against the Feoffee, as Disseisor himself, if either of them take the Profits of the Land.'

IV. And because divers Tenants of Lands for Term of Life and Years, made over the said Lands to other Under-Tenants, to the end that they might not be liable to Writs of Waste, for the Damages done upon the said Lands by their Order and Connivance before the Grant of the said Leases; It was hereupon enacted, 'That the Tenant in Reversion might have his Action against the Tenant for Life or Years, for the Damages done, as well before as after the Lease made to any Under-Tenants, and recover treble Damages for the said Waste, provided that it were prov'd, that the said First-Tenants took the Profits of the Land to their own proper Use at the Time of the Waste done.'

V. Whereas divers Suits and Indictments, as well for the King as his Subjects, were discontinu'd by making of new Commissions for the Peace, to the great Delay of Justice, and Wrong of the Subjects, it was enacted, 'That no Pleas, or Processess should be discontinu'd by any new Commissions, but the Justices so made, should have Power and Authority to continue all Pleas depending, and determine the same.'

VI. An Abuse also being crept into the Nation about Measures contrary to the Statutes; and Purveyors, Bakers,

ers, Merchants, and Buyers of Corn, taking Nine King Henry VI. Bushels for the Quarter; it was enacted, 'That the Statutes for Weights and Measures should be proclaim'd in every Market-Town, and that there should be a Bushel, common Ballance and Weights in every Market-Town, City and Borough kept by the Mayor and Justices, according to the Standard in the *Exchequer*; and if any Person shall presume to Sell or Buy by any other Weight or Measures, they shall forfeit Five Pounds to the Person that shall sue for it, and Five Pounds to the King.'

VII. Recognisors having found out a way to defeat the Executions of such Person as they were indebted to by Recognizance, by bringing their Writs *De Corpus cum Causa* out of *Chancery*, and giving Sureties to the King only, were deliver'd out of Prison, and their Creditors defeated of their Debts; it was therefore ordain'd, 'That Sureties should be given as well to the Party as to the King, that their Debts may be surely paid.'

Other Acts of less Importance were also made this Session; as about the Measure of certain Cloths, call'd *Streights*; for the punishing of such as shall dare to assault any Person coming to the Parliament or Council by the King's Command: And lastly, For setting a Price upon Wax-Candles, Images and Figures: But these Acts being only Temporary, and long since out of Use, deserve little Regard.'

We shall only observe that this Parliament sat to the 21st of *December*, for on that Day the Bishops and Lords of the King's Council were asked whether they would attend? The Cardinal, the two Archbishops, the Bishops of *Ely* and *Lincoln*, answer'd they would when they could, but all the others promised absolutely to attend.

The *French* War still continued, and about this Time with good Success to the *English*, under the Conduct of the victorious Lord *Talbot* and the Earl of *Arun-*
del. But the latter having the Misfortune to be kill'd, before the paltry Castle of *Gerberoy*, and the Dukes of *Bedford* and *Burgundy* commencing a Quarrel, which ended in an open Rupture between them, Affairs were again thrown into a different Situation in that Kingdom.

King Henry VI.

In this Interval we find that Writs of Summons were sent out to call a Parliament, dated *November* 1st, to meet at *Westminster* on the 8th Day of *July* following; which was afterwards prorogued to *Reading* fifteen Days after *Michaelmas*, in the 12th Year of this King's Reign. The Abridger of the Records hath given us no Proceedings of this Parliament, for which Reason we suppose they were not entered on the Rolls; nor are there any Acts in the Statute Books relating to it. It was not till two Years after, that a Parliament sat to do Business, which was called by Writs dated at *Westminster*, *July* 5th *Anno Dom.* 1435, to meet at the same Place on the 10th of *October* following.

Anno Regni 14.

1435.

At Westminster.

On which Day being assembled before the King, sitting in his Chair of State in the *Painted Chamber*, the Bishop of *Bath* and *Wells* (p) then Chancellor of *England*, by the King's Command, opened the Session with a Speech, and took for his Theme this Text, *Solliciti sitis servare Unitatem Spiritus in Vinculo Pacis*; and, amongst other Matters, he told them 'That the Duke of *Burgundy*, who had sworn Allegiance both to the King and his Father, had basely broke his Oath and revolted; 'That he had appointed a Diet, or Sitting, at *Arras*, 'without the King's Knowledge, where two Cardinals came to treat about a Peace between *England* and *France*; That after the King was acquainted with it, he sent some Persons of Quality as his Embassadors at this Meeting, who there proposed reasonable and honest Terms of Agreement, which the *French* refused and scoffed at; by which nothing was done at that Diet. After which the King, he said, was told, that the said Duke of *Burgundy* had entred into a League with the *French*; and, as such, there remained nothing for the King to do, but either to lose his Stile and Title, and Kingdom of *France*, or else resolve to defend the same by Force. How to act in the best Manner in these Affairs, he added, was the Cause of this Assembly; for which End he desired the Commons to chuse a Speaker, and next Day to present him to the King'. Accordingly,

(p) *John Stafford*, who was afterwards translated to *Canterbury*
LE NEVE's *Iasi*.

ingly, they presented *John Bowes* Esq; whose Excuse King Henry VI.
being refused, he made the usual Protestation which was John Bowes Esq;
allowed. Speaker.

The first Thing we find upon the Record that this Parliament went upon, was to give Authority to the King's Council, to make Securities to the Creditors of the Crown for 100,000 *l.* By the King's Letters Patents, Security was, also, given to certain Persons, there named, for 8000 Marks, sent by them to the King, out of the Revenues of the Duke of *Bedford*, and the Earl of *Arundel* deceased.

An unusual Subsidy was, also, granted by this Par- An unusual large
liament, viz. that every Person holding any Frank Ten- Subsidy.
ant in Lands, Annuities, Fees, Offices, or Heredita-
ments, above the Yearly Value of five Pounds, should
pay Six-pence for every Pound, upon his Oath. Also,
a *Tenth* and a *Fifteenth* was granted the King on the
Laity; deducting thereof 4000 *l.* for the Relief of de-
cayed Towns and Villages. A Subsidy, also, on every
Sack of Wool; 33 *s.* 4 *d.* from Merchants Denizens
and 46 *s.* 8 *d.* from Aliens; and so according to that
Rate on other Staple Ware, was granted the King,
with Tonnage and Poundage for two Years.

It is supposed that these large Subsidies were granted,
as a very extraordinary Aid, to enable the King to keep
his Possessions in *France*, then in great Danger of being
entirely lost. What gave the greatest Blow to that Inte-
rest was the Death of the Duke of *Bedford*, Regent of
France, who died at *Roan*, September the fourteenth,
1435, soon after a Peace had been concluded between
Charles the *French* King and the Duke of *Burgundy*.
It is said, that the Duke of *Bedford* foresaw the Change,
that would inevitably follow the making this Union,
and that it would root the *English* out of *France*;
which was one great Reason that hastned his Death (q).

Some public Acts were made this Session, in order
chiefly to regulate some Abuses in other Acts, or to ex-
plain them better. The most remarkable are, ' That the
' Judges, in their Circuits, shall have Power to give
' Judgments in all Cases of Felony and Treason, as
well

(q) *Daniel in Kennet* 378.

King Henry VI. ' well upon Persons acquitted as attainted, and award
 ' Executions according to that Judgment. That all
 ' Wools and Wool-fels, that shall be ship'd to be trans-
 ' ported, shall be carry'd to *Calais* only; and no Licenses
 ' shall be granted to the contrary, except by the King
 ' and Council. That all Wool and Wool-fels, and
 Laws Enacted. ' other Merchandizes of the Staple, which shall be
 ' shipped in any Creeks or Ports, clandestinely, in or-
 ' der to cheat the King of his Subsidies and Customs,
 ' shall be forfeited to the King. That all Persons who
 ' shall dare to disturb any Foreigners, in selling Fish
 ' or other Victuals, either by Wholesale or Retale, shall
 ' forfeit Ten Pounds, one Moiety to the King, and
 ' the other to the Person that shall sue for the same'.

There is nothing else remarkable which passed in this Session of Parliament; and the *French War* still subsisting, another was called to meet at *Cambridge*, *January* 21st, the very next Year after the last: But, for Reasons of State, not mentioned, was ordered by other Writs to meet at *Westminster* on the Day aforesaid.

Anno Regni, 15. *John*, Bishop of *Bath* and *Wells*, Chancellor of Eng-
 1436. land, opened this Session with a very elaborate Speech,
 At Westminster. and made this Text his Subject, *Corona Regni in Ma-
 nu Dei*, &c. *Isaiah* 62. On which he demonstrated,
 ' That three Sorts of Men are crowned; viz. all *Chris-*
 ' *tians* in their Baptism, in Token whereof they are
 ' anointed; all Clerks in their Order, in Token where-
 ' of they are shaven; and all King's in their Coronati-
 ' on, who in Token thereof wear a Crown of Gold
 ' set about with Flowers and precious Stones. The
 ' Figure of the Crown he resembled to the Body po-
 ' litic of the Nation; the Flowers and Stones to the
 ' Honours and Offices of a Prince, as Gold estima-
 ' ble and durable; and that Commonwealth is most
 ' firm and stable which is governed by the faithful
 ' Care of a Prince; for, as Gold is flexible to the
 ' Workman, so ought every Part of the Commonality
 ' to be at the Beck of the Prince, seeking the Prof-
 ' perity of Him'.

' The erecting and standing of the Flowers, in the
 ' upper Part of the Crown, denoteth the King's Pre-
 hemineny

‘ heminency over his Subjects ; which ought to be gar- King Henry VI.
 ‘ nished with four Cardinal Virtues. That is to say,
 ‘ in the Fore-Part ought to be Wisdom, adorned with
 ‘ three precious Stones, viz. Memory of Things past,
 ‘ Circumspection of Things present, and Prudence in
 ‘ Things to come. On the Right Hand ought to be
 ‘ Fortitude, accompanied with Courage in attempt-
 ‘ ing, Patience in suffering, and Perseverance in well-
 ‘ meaning. On the Left Side ought to be Justice, di-
 ‘ stributing her Arms three Ways, to the best, mean,
 ‘ and lowest. On the Hinder-Part ought to be Tem-
 ‘ perance with her Trinity, viz. Restraint of Sensuality
 ‘ in Fear, Silence in Speech, and Mortification in
 ‘ Will: All which, proceeding from God, fully prov’d
 ‘ that *the Crown of the King was in the Hand of God.*

He concluded with declaring, ‘ That this Parlia-
 ‘ ment was called for three principal Causes ; the first,
 ‘ for Justice and Peace amongst Subjects ; the second,
 ‘ how the Commodities growing within this Realm
 ‘ might have a ready Vent ; the third, how the Realm
 ‘ might be defended, and the Sea kept against Enemies
 ‘ and Rebels. To which End, he desired the Com-
 ‘ mons to chuse their Speaker, and present him the
 ‘ next Day to the King.

The Receivers and Tryers of Petitions for *England*,
 and all other Parts of the King’s Dominions, being ap-
 pointed, according to ancient Custom, the Commons
 presented Sir *John Tirrel*, Knight, to be their Speak-
 er, whose Excuse being refused, he, with the common
 Protestation, was allowed. But, *March* the 19th, a
 Committee of Commons was sent to the King, declar-
 ing that their House had newly chosen *William Beer-*
ly, Esq, to be their Speaker, in the Room of Sir *John*
Tirrel, disabled from attending by grievous Sickness,
 which *William* was allow’d by the King under the usual
 Protestation.

Sir John Tirrel,
 Knt. Speaker,
 falling Sick,
 William Beerly,
 Esq; chosen in
 his stead.

The Subsidies granted by this Parliament were the
 like *Tenth* and *Fifteenth*, as in the last. Also, the same
 Subsidy on Wools, &c. was granted for three Years
 to come. Authority was likewise given to the King’s
 Council, to make Assurances to the King’s Creditors,
 for the Sum of 100,000 *l.* And by the same Autho-
 rity,

Subsidies granted.

King Henry VI. rity, the Treasurer of *England* was to pay to the Cardinal Bishop of *Winchester* 2000 Marks.

The important Town of *Calais* was, at this Time, besieged by the Duke of *Burgundy* in Person, and a numerous Army. On this, the Duke of *Glocester*, Captain or Governor of the said Town, petitioned this Parliament, that if any Misfortune should happen to his Charge, for Want of Payment of the Soldiers in that Garrison, the same might not be imputed to his Misconduct. However, History informs us, that the Duke of *Glocester* went over in Person, with an Army, to the Relief of that Town; on whose Arrival, the *Flemings*, under the Duke of *Burgundy*, rais'd the Siege, and fled away shamefully for fear of a Battle.

Acts pass'd,

The particular Acts that were made this Session were, first, 'A Remedy was provided against vexatious and troublesome Suits of such Persons, as were not of the King's Household, in the Court of Stewards and Marshals of the King's House; and it was allowed as an Exemption from their Jurisdiction to plead and aver, that they are not of the King's House.'

Second, 'An Allowance was given to all the King's Subjects of *England* to transport Corn, when at a low Price, out of the Realm, viz. Wheat at six Shillings and eight Pence, and Barley at three Shillings and four Pence the Quarter.'

Third, 'An Injunction to all Sheriffs, Bailiffs of Franchises, and Coroners, that in Actions, or Writs of Attaint of Plea for Lands, of the yearly Value of forty Pounds, they do not return nor impanel any Persons but such as be inhabiting in his Bailiwick, and have an Estate to their own Use, in Lands and Tenements, to the yearly Value of twenty Pounds or more, on the Penalty of forfeiting ten Pounds to the King, and ten Pounds to the Plaintiffs in the said Action or Writs of Attaint; and that no Person of less Sufficiency of Freehold than twenty Pounds a Year, shall be sworn in the King's Court upon any Issue in the said Actions, if he be by the Plaintiffs in due Form challenged.'

Fourth, 'A Permission was given to all Persons, as well Religious as Secular, to appoint themselves General Attorneys

Attorneys to sue or plead for them, in every Hundred or King Henry V Wapontake.' And,

Fifth, 'A Prohibition was laid upon all Merchants, to ship or cause to be shipped any Wool, Wool-Fells, or other Merchandizes belonging to the Staple, in any Place within this Realm, except at the Keys and Wharfs assign'd by the Statute, where the King's Weights and Wools are set; excepting the Merchants of *Genoa* (r), *Venice*, *Tuscany*, *Florence*, *Catalonia*, and the Burgesſes of *Berwick*.

Some Petitions, also, of a more publick Concern than ordinary, may not be improper to take Notice of, as,

On a Petition of *Humphrey*, Duke of *Gloceſter*, and Dame *Eleanor* his Wife, the King granted his Letters Petitions in Parliament. Patents, confirmed by this Parliament, giving Licence to the ſaid Duke to impark 200 Acres of Land in *Greenwich*, and that they may embattle their Manor-Houſe there, and build it with Stone; alſo to raiſe a Tower of Stone within the ſaid Park.

John, Earl of *Oxford*, petition'd for a Pardon for 300 *l.* the Remainder of a Fine of 3000 *l.* paid to the King for marrying without Licence. It was answered, that the ſaid Debt was assign'd over, but that the King would remember him ſome other Way.

Sir *Richard Woodville*, Knight, paid to the King 1000 *l.* as a Fine for marrying *Jaquet*, or *Jaqueline*, Dutcheſs of *Bedford*, without Licence. This Foreign Lady ſhew'd as little Continence in her Widowhood, as Queen *Catherine* had done; being quickly married again to the aforeſaid brisk young Knight, afterwards created Earl of *Rivers*, by whom ſhe had ſeveral Children; and amongſt them the Lady *Elizabeth*, who, being Wiſe to King *Edward* the Fourth, was afterwards Queen of *England*.

About this Time died *Catherine* (s), Queen of *England*, Mother to *Henry VI.* and it being notified to the King in Parliament, that his Mother had made him ſole Executor to her Will, the King appointed *Robert Ralston*,

(r) In the old Statute, this City of *Genoa* is always wrote *Jean*.

(s) She died Jan. 2, 1436-7, at *Bermondſea*, and was buried at *Weſtminſter*.

King Henry VI. *ston*, Clerk, Keeper of the great Wardrobe, *John Merston* and *Richard Alreed*, Esqrs. to execute the said Queen's Will; under the Direction of the Cardinal, the Duke of *Glocester*, and the Bishop of *Lincoln*, or any two of them to whom they should account.

On the Petition of *Isabel*, late Wife of *John Boteler*, of *Beansly*, in the County of *Lancaster*, Knight, which *Isabel*, one *William Pull*, of *Winall*, in the County of *Chester*, Gentleman, shamefully did ravish; it was enacted, That if the said *William* do not surrender himself, after Proclamation made against him, that he should be taken as a Traytor attainted. The said *Isabel*, by another Petition, shewed how the said *William*, by Duress and Means of Imprisonment, enforced her to marry him, and under Colour thereof, ravish'd her; for which she prayed to have her Appeal, which was granted.

A general Pardon.

The last Things we find on the Record, transacted this Parliament, was the King's general Pardon of all Treasons, Felonies, Forfeitures, and other Offences; but this does not appear in the Statute-Books. And Authority was given to the Lords of the Council, to answer all such Petitions as were not answered in this Parliament.

We have now a Course of three Years before we meet with another Parliament; during which Time our larger *English* Historians are very full in their Descriptions of the *French* War, and the various Effects of it to both Nations. But in the Year 1439, the *English* Government wanting fresh Supplies, a Parliament was summon'd, to meet on the Morrow after the Feast of *St Martin*, or *November 12th*, at *Westminster*.

Anno Regni 18.
1439.
At Westminster.

At which Time and Place being all assembled, the Bishop of *Bath* and *Wells* still Chancellor, was commanded by the King to open the Session by a Speech, who took for his Subject this Text from *Matthew ii. Adaperiat Dominus Cor nostrum in Lege sua, et in Præceptis suis, et faciat Pacem, &c.* From which Words he endeavour'd to draw two especial Points; the first, 'What great Desire every Christian ought to have to the Reformation of his Life, by the only Means of God; who, against all Hardness was to bend, and to incline

‘ incline his Heart to God’s Laws and Commandments. King Henry VI.
 ‘ The second, what Thirst every sick Christian ought
 ‘ to have, to crave and seek Peace, after his manifold
 ‘ Conflicts and Battles in this World.

‘ As to the first, that God should open the Heart,
 ‘ and not the Hearts, since the Words were spoken
 ‘ to the Children of *Israel*; he noted that thereby was
 ‘ meant a mystical Unity, according to these Words
 ‘ in *Judges ii. Convenit universus Israel ad Civitatem*
 ‘ *quasi Homo unus, eadem Mente, unoque Consilio.*
 ‘ Which being spoken to them, was left for our
 ‘ Learning, that we might follow the same, and might
 ‘ attain to true Peace.

‘ To the second, By this Word *Israel* is understood
 ‘ their States, namely, of Princes, of Nobles, of
 ‘ Power and of Wisdom; all which, if they the same
 ‘ agreed in Unity, there was no doubt but Peace of
 ‘ Body and Soul would ensue.

‘ For the Restoring of which, he told them, that this
 ‘ Parliament was called; remembering them, that the
 ‘ King would have all Estates enjoy their Liberties;
 ‘ then desired the Commons to chuse, and the next
 ‘ Day present their Speaker to the King.’

This formal Prelate having ended his Spiritual Ha-
 rangue, the next Day the Commons presented to the
 King *William Tresham* Esq; who with the usual Solemn-
 nity was allowed. William Tresham, Esq;
Speaker.

The Subsidies granted, by this Parliament, were a
Tenth, and a *Fifteenth*; and half a *Fifteenth* was grant-
 ed to be levied of the Laity, in such Form as was in the
 fourth Year of this King. An Impost on Wools was
 also granted for three Years, as *Anno 14. Hen. VI.* The
 Commons also, granted to the King, that all Aliens,
 not Denizens, within the Realm, should pay to the
 King Yearly, Sixteen Pence for each, being an House-
 keeper; being none, Six Pence. Supplies granted.

The same Authority was also given to the Treasurer of
England, and others, to make Securities for 100,000 *l.*
 as in former Parliaments. An Order was also taken
 for the Payment of the King’s Debts, contracted for
 the Provisions of his Household.

December,

King Henry VI.

The Parliament
Prorogued to
Reading.

December, 21, the Chancellor by the King's Command declared to the Lords and Commons, that the King had prorogued the Parliament from that Day unto the Day after *St. Hilary* next coming, to be holden at *Reading*.

There were no less than Nineteen Statutes made in this Parliament, tho' how long it sat at both Places, is uncertain. The most remarkable of which Acts are these,

Acts pass'd.

I. 'That Cheese and Butter may be carried out of the Kingdom without Licence.'

II. 'That Merchant Strangers shall not sell their Merchandizes one to another in *England*, but that every such Merchant shall have an Host or Surveyor, appointed him at his landing, by the Chief Officer of the Town or Place where he shall land, who shall keep a Register of all he buys and sells, and take two Pence in the Pound of him for all Merchandize by him bought or sold, and the said Merchants shall sell and buy all within eight Months.'

III. 'That all Persons, made Justices of the Peace, should have Lands and Tenements to the Value of twenty Pounds a Year, except in Cities and Corporations.' The Reason assigned for this Statute was then, as it has very lately been thought proper, because that some Persons had been appointed Justices, who, on account of their Meanness and Incapacity could not govern or direct the People; whilst others, by reason of their Necessities, committed great Extortions and Oppressions.

IV. 'That no Captain shall detain the Wages of Common Soldiers, except it be for their Clothing, under the Penalty of twenty Pounds for every Spear, and ten Pounds for a Bow; to be paid to the King (t).'

V. 'That every Person mustering and receiving the King's Wages, who shall depart from their Captains and the King's Service, without apparent Licence granted them by the said Captains, shall be punished as Felons.'

VII. 'That no Person shall be a Collector of *Dismes* and *Quinzimes*, [*Tenths* and *Fifteenths*,] in any County,

(t) Statute 18 Hen. VI. Chap. 18.

ty, who is so in the City of the same; except he be ^{King Henry VI} able to dispend, in Lands and Tenements, in the said County, an Hundred Shillings a Year, over and above all Charges and Reprises.'

There are, also, many Petitions on Private Affairs, which are not worth Notice; the most publick from the Commons, with their Answers, are as follows:

Pet. That no Person once making Fine for not being Knighted, be ever again called for it; and that the ^{Petitions.} Fines be no other than usual.

Answ. The King will be advised.

Pet. That every Merchant may lawfully transport all manner of Hides, Calf-skins, Long-Fells and Tallow, to what Place he liketh, besides to *Calais*.

Answ. The King will be advised.

Pet. That no Owner of any Ship be impeached for any Hurt done by his Ship to any other Ship on the Sea, or in Port, or Creek, if he was not a Party thereto.

Answ. The same as before.

Pet. That every Collector of Customs, and Comptrollers of every Port, may licence the King's Subjects to transport Corn from one Shire or Town, to another, taking Surety of Debt, to the Value, that the same be not carried beyond Sea.

Answ. As before.

Pet. That no *Italian*, or other Merchant, beyond the Streights of *Morocco*, [now *Gibraltar*,] bring any Merchandize into the Realm, but such as is the Produce of their own Countries; for very good Reasons mentioned in the Record.

Answ. The same as above.

Pet. That all Spiceries sold in any Port within the Realm, by any Merchants Strangers, be as clear garbelled as the same is in *London*.

Answ. The King will be advised.

An Act was made this Session that the fourth Part of the *Tenth* and *Fifteenth* shall be paid to the Treasurer of the King's Household, in order to make ready Payment for the King's Purveyance. And, by the said Act it appears, the Revenues of the Dutchies of *Lancaster* and *Cornwal* were also appropriated to that Use.

On the Petition of the Judges it was enacted, ' That all the

King Henry VI. the Justices of both *Benches*, Justices of Assize, the King's Serjeant and Attorney, shall yearly, at two Feasts of the Year then expressed, be paid, and allowed their Fees and Liveries, by the Hands of the Clerk of the *Hanaper*, for the Time being, out of the Customs of *London*, *Bristol*, and *Kingston upon Hull*.

The Archbishop of *Roan*, Cardinal *Luxenburg* (u), to whom the Pope at the Death of the Bishop of *Ely*, had granted to the said Archbishop, during his Life, all the Profits of the said Bishoprick, by the Name of Administrator, shew'd his Bull to the King, who utterly rejected it. Notwithstanding, for his Services done in *France*, the King makes him a Grant of the Administration aforesaid. So strictly was the Statute of *Præmunire*, so often mentioned, adhered to in those Days.

The last Thing that we think proper to take Notice of among the Transactions of this Parliament, is, that in Consideration of the great Plague of Pestilence, so called, it was enacted, 'That all such Persons as should do Homage to the King, should do the same without *kissing him*; and the same Homage to be as good as though the *Kiss* was given.' On which *William Prynne* makes this wise Remark, 'That, by this it appears that the Custom of Homage done in those Times doth greatly vary from the present Ceremony; for now they are so far from kissing the King, that they do not so much as see him.'

Anno Regni 20.
1442.
At Westminster. In the 20th Year of this King, another Parliament was called by Writ, to meet at *Westminster*, on the Feast of the Conversion of *St. Paul*, but no more than the Names of the Peers, so Summoned, is given in the *Abridgment of the Records* about it. But, in the *Statutes at large*, there are thirteen Acts said to be made in this Parliament; yet, none of them being particular, we must refer the very curious Enquirer to the Statute-Book aforesaid for them (x). And, it was not 'till three Years after

(u) *Collier's Eccles. Hist.* Vol. I. P. 668.

(x) One of them seems to be well calculated for the publick Good, viz. 'That no Officer of the Customs, or Searcher, shall have a Ship of his own, use Merchandize, keep a Wharf or Inn, or be a Factor; in order to avoid the many Frauds that would naturally ensue from thence. Chap. 5. Mr. Daniel has wholly omitted this Parliament.'

after this Period, that we meet with any Account of King Henry VI. a Parliament, when Writs were issued out, dated at *Westminster*, January 13. for one to meet at the same Place on the 25th of *Februry* following.

In Presence of the King sitting in Person in his Chair of State, and of the Lords and Commons, *John Stafford* late Bishop of *Bath* and *Wells*, but now Arch-
Anno Regni. 23.
1445.
At Westminster.
 bishop of *Canterbury*, Primate of all *England*, Deputy to the See of *Rome*, and Chancellor of *England*, declared the Cause of calling this Parliament, and took for his Subject these Words from *Psalms* lxxxiv. *Iustitia & Pax osculatæ sunt.*

On which he told them, 'That thro' the great Diligence and Conduct of the Earl of *Suffolk*, the King's dear Cousin, and other Noblemen, sent as Embassadors
The King's Marriage notified.
 into *France*, as well upon a Treaty of Marriage to be had between the King and *Margaret*, Daughter to the King of *Sicily*, as for to settle a Peace between *England* and *France*, the said Marriage was contracted; and a Suspension of Arms, for a Time, was granted. He further said, that the said Earl staid in *France* for the safe Conduct of the said Princess *Margaret* into the Realm of *England*, by which two Means he nothing doubted, but that, thro' God's Grace, the said Truce would end so well that Justice and Peace should be within this Nation more than it had been.' He then bid the Commons chuse and present their Speaker to the King.

On the second Day of this Parliament the Commons notified to the Lords, that they had chosen their Speaker; and the next Day they presented *William Burghley*,
William Burghley Esq; Speaker.
Esq; to the King, whose Excuse being rejected, he was allowed as Speaker, under the Common Protestation.

This Session, we find, by the Record, was continued to *March* the 15th, but no Notice taken of any more Businets done in it; when the Chancellor, by the King's Command, with the Assent of the Lords, and in the Presence of the Commons, prorogued the Parliament from that Day to the 19th of *April* next ensuing, at *Westminster* aforesaid.

This Prorogation we may suppose was designed to give

King Henry VI. give Time for the new Queen to arrive, who came into *England*, under the Conduct of the Earl of *Suffolk*, about the Beginning of *April* this Year, and was crowned at *Westminster*, the 30th of the same Month, with the usual Solemnity and Ceremonies. This Lady was the Daughter of *Reyner*, Duke of *Anjou*, and titular King of *Sicily*, *Naples* and *Jerusalem*; Great Names, indeed! but they brought the Duke neither Profit, nor Authority. The Match was first propounded by the Earl of *Suffolk*, at that Time sent as one of *Henry's* Embassadors to treat about a Peace with the *French* King. And, tho' she brought no Fortune with her, yet it was believed it would prove an effectual Means of uniting the Minds of the two contending Princes. For she, being a near Relation to the King of *France*, might prove the Foundation of a firm Peace; which would save *England* more Treasure than the greatest Prince in the World could give with his Daughter (y).

The new Queen
Crown'd.

These were the apparent Motives that induced the Earl of *Suffolk* to exceed his Commission; and, without his Master's Knowledge, not only to contract him in Marriage, but to undertake, instead of receiving a Portion with the Lady, that the Dutchy of *Anjou*, with the whole Province of *Main*, then in the Hands of the *English*, should be given up to her Father. Though the Earl of *Suffolk* was more zealous than cautious in this Affair, yet knowing well his Master *Henry's* natural Mildness and Disposition for Peace, he ventured to take this extraordinary Step; which, though at first was well relished in *England*, both by King and People, yet, in the End, proved very detrimental to the *English* Interest, and was the Occasion of *Suffolk's* own Destruction.

(y) *Polydore Vergil*, gives this Princess the following high Character; *Puellam tam ultra alias Fæminas pulchram quam prudentem, ac Animo præter Naturam Sexus præditam ingenti, quod ejus Res gestæ quas suo Ordine memorabimus perspicue declararunt.* POLYD. VERG. Lib. XXIII. P. 491. Another Foreigner complements his Country-Woman in a loftier Strain; ——— *L'Angleterre n'avoit point encore vue de Reine plus digne du Trône que Marguerite d'Anjou. Nulle Femme ne la surpassoit en Beaute, & peu d'Hommes l'égalloient en Courage. Il sembloit que le Ciel l'eut formée à Dessein de suppleer à ce qui manquoit à son Mari pour être un grand Roi, &c.* D'ORLEANS Hist. de Revol. d'Angleterre Tom. II. P. 196.

struction. What Notice was taken of these primary King Henry VI. Affairs, in Parliament, the Consequence will shew.

This Parliament being again assembled on the 19th of *April*, according to the Prorogation, the first Thing we find entered upon the Record, is the Grant of a Subsidy of a *Tenth* and a *Fifteenth*, and half a *Tenth* and half a *Fifteenth*, reserving out of it 5000*l.* to be allowed to certain poor Towns, there named, which were wasted. A Subsidy on Wools, also, of 34 *s.* 4 *d.* of Denizens, and 53 *s.* of Aliens, for every Sack of Wool, &c. with Tonnage and Poundage of Denizens, and double of Aliens, was granted to the King for four Years.

The next Thing the Parliament did was to take into Consideration the Affair of the Peace with *France*; and we find that the Chancellor of *England*, in the Presence of the King and whole Parliament, made a Protestation, 'That the Peace which the King had made with the *French* King, or rather was about to make, was meerly of his own Motion and Will; and that he was not instigated thereto by himself, or any of the Lords whatsoever.' Which Protest was enrolled.

On this, it was enacted, by the Authority aforesaid, 'That the Statute made in the Reign of *Henry V.* importing, That no Peace should be made with the *French* King that now is, and was then called the *Dauphin* of *France*, without the Assent of the three Estates of both Realms, should be utterly repealed and revoked. And that no Person, whatsoever, should be impeach'd at any Time to come, for giving Counsel to bring about this Peace with *France*.'

This extraordinary Act, which by the bye, is not inserted in the Statutes of this Parliament, seems to have been calculated for a Compliment to the Earl of *Suffolk*, now made a Marquess for this Piece of Service, and to indemnify him from any further Trouble about the Match. We are told, by the Records, that on the second Day of *June* the Marquess came into the House, and made a Declaration of his Services to the King, Lords and Commons, and his Request was, that they would judge all he had done to be reasonable and just. That on the 4th of *June*, the Speaker of the House of Commons came before the King and Lords, and there,

King Henry VI. in Behalf of their whole Body, highly commended the Person and numerous Services of the Marquess and Earl of *Suffolk*, particularly, for the King's Marriage, and for obtaining the Truce with *France*; for all which, at the Request of the Commons and Mediation of the Lords, a Vote was passed, 'That the said Marquess should be esteemed as a most true and faithful Subject to the King.'

The Marquess of Suffolk approv'd by the Parliament for his Conduct therein.

An Historian of Credit, and more circumstantial in Parliamentary Affairs than any other (z), tells us, That 'the Marquess of *Suffolk* made a long and elegant Speech in the House of Lords on this Occasion; setting forth the Pains and Labour he had been at in his Embassage into *France*, as well in concluding a Truce for a Season, as in making up the Match for the King; advertizing them, that, as the Truce was to expire in *April*, he like a faithful Subject advised that all Preparation should be made for the Preservation of the King's Country in *France*, praying them to take Notice of it, and give him a Discharge for his Legation. The next Day he went into the Lower-House, and with equal Eloquence, not only shewed his Fidelity in his Legation, but set forth what great Charges he had been at in attending it, and fetching over the Queen; desiring that this Action might be recorded in the Parliament Rolls, and himself be discharged by both Houses, with a Consideration for the Expence. Behold, (adds our Authority) what the Eloquence of Favourites can do! Few Men of Prudence in either House, but knew that the Marquess deserved little Thanks for his Labour, either in making the Peace or the Match; yet, as if all had been well done for the Nation's Interest, the very next Day the Speaker of the House of Commons, *William Burghly*, attended with a great number of the House, went up to the Lords, and desired their Concurrence in a Petition to the King, to reward the Marquess for his Services. And to shew their Gratitude, they caused the whole Action to be enrolled, and gave him a whole *Fifteenth* in Consideration of his Expences'.

This

(z) *Sam. Daniel in Kennet, P. 394, 395. See Stowe's Chron. P. 385.*

This is our Historian's Account, which differs not King Henry VI. much, except in the Embelishment, from the Records; and, except the *Fifteenth* given to the *Marquess*, of which there is no Mention in the *Abridgment*, nor in any of our ancient Chronicles. *Rapin* remarks, that this was one of those Parliaments that was managed by Court Intrigues; which, adds he, has been too often the Case. This plainly appeared in a Resolution to return the *Marquess* of *Suffolk* public Thanks for negotiating the King's Marriage, without any Advantage accruing to either King or State, by uniting him to a Family that was a mortal Enemy to both (a).

There are no less than eighteen several Acts, some new, and others explanatory, which were passed this Session, and are in our Statute-Books. The Heads of those, that chiefly regard the public Concern, are these:

'A Rehearsal of the Statute made 15 *Hen. VI.* Chap. II. touching Licence to transport Corn, when Wheat doth not exceed 6 s. and 8 d. and Barley 3 s. and 4 d. the Quarter, made perpetual' (b). 'No Man shall be Sheriff or Under-Sheriff, &c. above a Year.' 'No Sheriff shall let to Farm his County or Bailiwick:.' 'The Sheriffs and Bailiffs Fees in several Cases limited.'

'An Act for the ordering and levying the Wages of the Knights of Parliament.' 'Who shall be Knights for the Parliament.' 'The Manner of their Election. The Remedy where one is chosen and another returned.' &c.

The King's Letters Patents under the great Seal of *England*, and under the Seal of the Dutchy of *Lancaster*, made to *John*, Cardinal and Archbishop of *Canterbury*, and several others, relating to some Possessions in the said Dutchy; and three other Letters Patents under the Seal only of the Dutchy of *Lancaster*, made to the Persons aforesaid, of several Possessions to the Performance of the last Will and Testament of the present King, were read and confirmed by the whole Estates in Parliament.

The King's Letters Patents for the Erection and Endowment of *Eaton College*, founded 20 *Henry VI.* with

Q 2

all

(a) *Rapin*, Fol. Ed. 569.

(b) This was done, says *Hall*, to please the People; *ad captum Vulgi*. And was again confirmed by *Edward IV.*

King Henry VI. all the Lands and Liberties, then, and now granted, were especially declared and confirmed by Parliament. As, also, the like Letters Patents of the King's, made for the erecting and endowing a College [*King's College*] in *Cambridge*, were publickly read and confirmed by this Parliament.

He is created a Duke and gains the Management of the Kingdom by the Queen's Means.

The new Queen seeing the Marquess of *Suffolk*, who is said by Historians to be too great a Favourite with her, particularly honoured for his Services by the Lords and Representatives of the Nation, found it no Difficulty to get her easy Husband to join in conferring new Dignities upon him. He was presently raised from Marquess to Duke of *Suffolk*, and had several Manors and Wardships given him to support this new Dignity; and, having the Queen's Heart, who certainly managed the King as she pleased, this new Duke may properly be then said to be the greatest Man in the Kingdom.

The Person that stood the most in their way to an absolute Rule, was *Humphry*, for his great Humanity and Hospitality, justly, called the *good Duke of Gloucester*. This Nobleman had been long engaged in a mortal Quarrel with his half-bred Uncle, *Henry Beaufort* the haughty Bishop of *Winchester*; as the former Part of these Enquiries, and the larger *English* Historians, do more particularly relate. The Duke had acted in his Protectorship with great Wisdom and Caution; yet, even in that great Post he could not escape a Snare laid for him by the Cardinal, and his other Enemies. His Dutcheſs was accused of tampering and dealing with Witches and Conjurers, in order to deprive the King of his Life, and raise her Husband to the Crown. The superstitious Ignorance of that Age made this Accusation easily credited; and, being found guilty along with her Accomplices, they suffered Death; and she a shameful Pennance and a perpetual Imprisonment.

They contrive the Ruin of the Duke of Gloucester.

The new Favourite, as hath been said, having found he could not have all Things within his Gripe without removing this great Man, soon contrived to effect it. The first Step that the Queen and her Minion took, was to get the Duke of *Gloucester*, not only displaced from having any Command about the King's Person, but even

even from his Council. Not long after they accused ^{King Henry VI.} him of several Crimes and Misdemeanors; all which the Duke cleared himself so well of, that he was honourably acquitted of them before the King and Council.

This Disappointment did but aggravate his Enemies the more against him, and many other Snares were laid to catch him; for, it was judg'd, they durst not openly attack a Man of his Character, who was really the People's Darling. But, a more plausible Expedient was at last thought of. A Parliament was resolved to be called, where he was to be apprehended for some Charge of High Treason, committed to close Custody, and then they thought they might work their Will of him.

Accordingly, we find, by the Records, that Writs ^{A Parliament call'd for that End.} were first issued out for calling a Parliament to meet at *Cambridge*, on the 10th Day of *February*, 1447; but afterwards, for Reasons of State no doubt, other Writs were dispatched after them to summon the same Peers, by Name, to meet in Parliament, on the same Day at *St. Edmunds-Bury*. When, being met in the *Refectory* of the Abbey there, *John* Archbishop of *Canterbury*, Primate, Legate and Chancellor, as before, opened the Session by the King's Command, and took for his ^{Anno Regni 25. 1447. St. Edmunds-Bury.} Theme these Words out of the *Proverbs*, *Qui autem ineunt Pacis Concilia, sequitur illos Gaudium.*

In repeating his Text, *Qui autem, &c.* he said, 'There were three Kinds of Counsels; the first, of the Wicked, utterly to be shunn'd, according to the Saying of the *Psalmist*, *Beatus est Vir, qui non ambulavit in Consilio Impiorum.* The second, of the Good and Learned, who go with Circumspection, according to *Isaiah* 6. *Finito Consilio suscepit actior in Domu sua, & fecit Cœnam magnam.* The third, of the Holy Ghost, expelling all Doubts by working inwardly, according to the *Psalmist*, *Consilium autem Domini in æternum manet; Cogitationes ejus a Generatione ad Generationem.*

All which, his Subject, according to the *Abridger*, he enlarged with sundry Sayings and Examples, and at last thought proper to acquaint them, 'That between the Ambassadors of the *English* and *French* Kings, an

King Henry VI. ‘ Agreement was made, that the two Kings should
 ‘ have an Interview ; and that sufficient Assurance
 ‘ would be given for his Majesty’s Passage beyond
 ‘ Sea, his safe Residence there, and Return. For which
 ‘ Reason, the King desired their Advice, and would act
 ‘ accordingly. He concluded, as usual, desiring the
 ‘ Commons to chuse and present their Speaker, and put
 ‘ them in mind, that the King’s Will was, all Estates
 ‘ shou’d enjoy their Liberties.’

William Tres-
 sham, Esq; elect-
 ed Speaker.

The Receivers and Tryers of *English* and Foreign
 Petitions to this Parliament being appointed; on the se-
 cond Day the Commons presented, as their Speaker,
William Tresham Esq; whose Excuse being rejected, he
 was with the common Protestation allowed.

It is very remarkable, after this usual Preamble, that
 the Heads of all the Acts made in this Parliament, in
 the Statute Books, are comprised in two Lines. And
 what is mentioned in the *Abridgment of the Records* is lit-
 tle or nothing to the Purpose. Authority given to the
 King’s Council for 100,000 *l.* Some Grants of the King
 to his new erected Colleges of *Eaton* and *Cambridge*,
 and an Exchange in the new Queen *Margaret’s* Re-
 venues of 4666 *l.* 13 *s.* and 4 *d.* out of the Customs, &c.
 for some other Lands and Hereditaments settled on her,
 during Life, confirmed, was every Thing materi-
 al done in this Parliament : Except another Article,
 which may lead us into an Enquiry about this strange
 Proceeding of calling a Parliament on such a trifling
 Occasion ; and when there was no Subsidies asked nor
 given, nor any other Business of Moment done at it.
 The Article is this, ‘ That it is by the King enacted,
 ‘ that *Eleanor*, the late Wife of the Duke of *Glocester*,
 ‘ shall be utterly barred from claiming any Dower of
 ‘ any of the Hereditaments, &c. of the said Duke.’

By this it appears, that another Motive, and which has
 been hinted at before, was the Occasion of calling this
 Parliament ; and since it has been so carefully kept out
 of the Records, the more general Historians must inform
 us.

‘ With the new Year, says one (c), the Lords began
 ‘ to

(c) *Sam. Daniel* by Kennet, P. 396.

‘ to prepare for meeting in Parliament at *Bury* (d) ; and King Henry VI.
 ‘ that the Duke of *Glocester* might fear no Evil, all
 ‘ Things at Court were carried with great Smoothness
 ‘ towards him. But Care was taken to have it whisper-
 ‘ ed in his Ear, that it was necessary he should be at it,
 ‘ to prevent the Designs of the Queen and her Party.
 ‘ The good Duke, not at all jealous of ill Practices,
 ‘ but retaining his old Zeal for the Commonwealth,
 ‘ hearkned to the Caution, and with the rest of the
 ‘ Lords came to the Place at the Time appointed, ready
 ‘ to attend the National Business.

‘ On the first Day of the Session, all Things went
 ‘ well enough, and the Ceremonies at the Opening of a
 ‘ Parliament were performed as usual. On the second
 ‘ Day the Lord *Beaumont* (e), then High Constable
 ‘ of *England*, being accompanied with the Dukes of
 ‘ *Buckingham* and *Somerset*, and many others, arrest-
 ‘ ed the Duke of *Glocester*, and put him in Custody un-
 ‘ der a strong Guard. His Servants were all taken
 ‘ from him, and thirty-two of them sent to different
 ‘ Prisons. The Nation was in great Amaze at this
 ‘ sudden Action, and every Man was inquisitive to
 ‘ know, what new Matter was found out against the
 ‘ Duke, who had so lately cleared himself of all that
 ‘ could be alledged against him. His Enemies thought
 ‘ it necessary to lay some Crime to his Charge, and
 ‘ therefore gave it out that *Humphry*, Duke of *Glocester*,
 ‘ with his Train of Servants, had traiterously conspir-
 ‘ ed to kill the King that he might set the Lady *Eleanor*
 ‘ his Wife at Liberty. A ridiculous Charge, but, yet
 ‘ sufficient to quiet the People, whom they only fear-
 ‘ ed, in the Execution of their Design ; for the more
 ‘ improbable his Crime was, the easier it would be to
 ‘ free himself, and so the People rested content with

The Duke of
Glocester arrest-
ed.

Q 4

‘ the

(d) To which Town all the Commonalty of the whole County of *Suffolk* were warned to attend the King there, in their most defensible Array. *Fabian's Chron. Anno 1447.* *Hollingshead* writes, that *Bury* was pitch'd upon as a much properer Place to execute their Purpose against the Duke, than either *Westminster* or *London*, on account of his great Popularity. *Chron. P 627.*

J. Stowe says, that the Roads about *Bury*, were all kept by armed Men, both Day and Night, so that many died of Cold and Watching.

Chron. P. 386.

(e) He is called in the List of Peers, *John Lord Viscount Beaumont.*

King Henry VI. ' the Sense of his Wisdom and Innocency. But his
 ' Enemies had contrived otherwise, that he should ne-
 ' ver come to his Defence (*f*) ; for the Night after his
 And murder'd ' Commitment, as some say, but others a few Nights
 privately. ' after (*g*), he was found dead in his Bed, and his Body
 ' shewed to the Lords and Commons assembled in Parlia-
 ' ment, and lay exposed to open View of all Comers
 ' for some Time ; in which, because no Signs of a
 ' violent Death appeared, it was reported, that he died
 ' of an Apoplexy or Imposthume. But, because none
 ' of his Servants suffered after his Death, which they
 ' ought to have done, had they been guilty of High
 ' Treason, as was alledged against them, (though five of
 ' them were condemned, and when near their Executi-
 ' on were pardoned by the Duke of *Suffolk's* Means (*b*) ;)
 ' it was generally thought a sufficient Ground to be-
 ' lieve, that he was murdered by the Queen's Means ;
 ' and some were so particular as to report, that he was
 ' strangled between two Pillows, or Feather-Beds, as
 ' *Thomas Woodstock*, Duke of *Glocester* before him, had
 ' been ; others that he had an hot Spit run up his Fun-
 ' dament, as King *Edward II.* had ; others affirmed, that
 ' he died of mere Grief, because he saw he must now
 ' fall a Sacrifice to his Enemies Malice, without being
 ' allowed to defend himself ; all which Conjectures
 ' have little Foundation. The most discreet judge, he
 ' was murdered ; but, being transacted in private it
 ' was not safe to determine by what Means.'

It

(*f*) *The History of Croyland*, cotemporary, speaks thus of the Duke,
Qui ad Responsum non admissus, nec judiciali Examine condemnatus, Vespere sospes et incolumis, Mane (proh Dolor) mortuus clatus est et ostensus.

Hist. Croyland. Continuatio. P. 521.

(*g*) *Fabian* says within six Days after the Duke was arrested. *Chron. Anno 1447.*

John Stowe. Twenty four-Days ; and that some said the Duke died for Sorrow, that they would not bring him to his Answer. *Chron. P. 386.*

(*b*) Their Names were Sir *Roger Chamberlain* Knight, *Middleton*, *Herbert*, and *Arthur* Esquires ; and one *Richard Needham* Yeoman. They were Sentenced to be drawn, hanged and quartered ; of which the Drawing and Hanging were put in Execution, but when they were cut down to be quartered, and marked with a Knife for that Purpose, the Marquess of *Suffolk*, there present, shewed the King's Pardon for them and they were released. A dangerous Experiment. *Fabian, ibid.*

The Pardon is in the *Public Acts* ; at the End of which, is the Date at *Westminster June 4* ; and then, *Per Ipsum Regem, et de Data prædicta, auctoritate PARLIAMENTI.* *Fæd. Ang. Tom. xi. P. 179.*

It is more than barely probable that this last Con-
 jecture is right : A Parliament had been summoned on
 so trifling an Occasion, as is mentioned in the Lord Chan-
 cellor's Speech ; and which, by the bye, was a mere
 Pretext ; for not one Word more is mentioned in the
 Records or History, relating to the Royal Interview
 there spoken of. On which, we may well suppose, that
 it was a Trap laid to catch the Duke, and the Event too
 plainly shews that his Death either public, or private,
 was the principal Design of it.

The Death of this great Man was, very soon after,
 revenged upon his Enemies ; the Cardinal Bishop of
Winchester died within a Month of him, and, as we are
 told, in great Agonies both of Body and Mind. And
 tho' the Queen and the Duke of *Suffolk* now managed
 both the King and Kingdom without Controul, yet the
 Reign of the latter was very short lived, as the Course
 of these Enquiries will shew. The Method they took
 to govern, was very oppressive and intolerable to the Sub-
 jects ; and tho' the Queen made use of her Husband's
 Name, yet she could scarcely hide her Usurpation, be-
 cause, in *England*, the Queen Consort hath no Power,
 but Title only.

The Death of the Duke of *Glocester* had yet another
 ill Consequence, by opening a Door to the Duke of
York to put in his Claim to the Crown, which he ne-
 ver durst have done, whilst a Man of such Wisdom and
 Popularity, as the former, stood in his Way. It does
 not appear that *York* had any Hand in the Duke's Mur-
 der ; but it may be well supposed, that he was glad to
 see it acted by others ; and that the Queen and her Mi-
 nion went on, in the Government, in the arbitrary
 Manner they did. In a small Time after Duke *Hum-
 phry's* Death, he began to represent to his Friends the
 Misery of the Nation, which, under the Name of a
 King, weak and unable to govern, was ruled by an
 ambitious Queen, and her Favourites. He first put it
 into their Heads, That it was necessary to pitch upon
 some other Person to be King, since the present King
 had deposed himself, in Effect, by suffering the Queen
 and *Suffolk* to over-rule all ; that King *Henry* was really
 a good Man, but fitter for a Cloister than a Palace, there-
 fore

King Henry VI.

The Duke of
York's first At-
tempts for the
Crown.

King Henry VI. fore the Kingdom was to be put into better Hands than those of Women and Favourites. Having thus artfully infused into their Minds a general Discontent, he next put forward his own Title to the Crown; which, allowing Hereditary Right to be valid, was indubitable. Yet, added, that tho' he would not vainly vaunt himself fit for so great an Office, he might boldly claim the Crown as his Right; and hop'd, that the Diligence and Valour he had shewn in *France*, for the Preservation of the *English* Dominions in that Kingdom, were Demonstrations enough to prove, that he had the true Spirit of an *Englishman* in him, and was zealous in all Things for the Good of the Nation.

Thus much is thought proper to be said, tho' somewhat digressive from our Parliamentary Design, in order to keep up a Connection in History; and to shew, at what Time those great Disputes between the two Houses began, which near overturned the whole Kingdom. It was two Years after the last, that we meet with another Parliament, which was called by Writs, dated at *Westminster*, *January* 2d, to meet at the same Place on the 12th of *February* following; the first Peer now on the List, is *Richard* Duke of *York*.

Anno Regni 27.
1449.
At Westminster.

John Day Esq;
chosen Speaker.

On the Day appointed being all met in the Painted Chamber of the Palace, *John* Archbishop of *Canterbury*, Chancellor of *England*, declared the Cause of the Summons, and made a notable Declaration; but what it was, our *Abridger* takes no further Notice. Three Days after, the Commons presented *John Day*, Esq; for their Speaker, who was allowed; and soon after a Grant of a *Tenth* and half a *Fifteenth*, to be levied on the Laity, passed both Houses; with a Grant, also, of Tonnage and Poundage, for five Years to come, on all Merchants whatsoever, with an Addition of three Shillings more on Aliens, as well of the *Hans* Towns as otherwise. Authority was likewise given to the Council of State, to borrow 100,000 *l.* as well upon the King's Revenues, as his Jewels.

A Subsidy, and a
Poll-Tax.

We find, on Record, that another Grant was made to the King of half a *Tenth* and a whole *Fifteenth*, to be levied as before. Also, a Poll-Tax was again renewed and granted to the King, of Sixteen Pence to be taken of

of every House-holder within the Realm, not born King Henry VI.
within the King's Dominions, and six Pence of every
other Person, so born, and no House-holder; with
six Shillings and eight Pence of all and every Merchant-
Stranger, and twenty Pence of all and every of their
Clerks. Lastly, the like Subsidy on Wools was
granted for four Years, as before.

A Message from the Duke of *Somerſet*, the King's
Lieutenant in *France*, was delivered to this Parliament
verbatim, by the Lord *Hastings* Chancellor of *France*,
and the Abbot of *Gloceſter*; importing, That the great
Preparations the *French* were making, were ſuch, that,
if a War ſhould happen, then the Country of *Norman-*
dy was not able to defend itſelf. And, as the Truce
was to endure but for fourteen Months, it was neceſſa-
ry to acquaint the King and Council, in Diſcharge of
the ſaid Duke, that they might provide accordingly.

The *Engliſh* Government took ſome Alarm at this
Message, and being well provided with Money by the
late Subſidies, a conſiderable Reinforcement was ſent Normandy loſt.
over to the Duke Regent; but theſe had ill luck, and
were moſt of them cut off; after which, the Duke of
Somerſet gave up *Caen* to the *French*, and in ſhort, all
Normandy, thirty Years after it had been conquered
by *Henry* the Fifth.

A Motion was made in Parliament, that the Soldiers
Wages at *Calais*, and the Charge of the Reparations
there, be paid out of the Subſidy on Wools; it was
granted. This Motion produced an Act, which bore
this Title, ' Becauſe in the Reign of King *Edward*
' *III.* the Subſidies and Customs of the Staple of *Calais*
' was threeſcore and eight thouſand Pounds Yearly,
' and now is not above twelve thouſand; therefore
' no Licence granted, or to be granted by the King,
' ſhall be available, for the Carriage of Wools, Fells,
' or Tin, to any Place out of the Realm but to *Calais*.
' And whoſoever doth obtain, accept, and put in Exe-
' cution any ſuch Licence, ſhall be out of the King's
' Protection.'

Alſo, it was enacted, that if Woollen Cloths, made in
this Realm, ſhould be prohibited or not accepted in
Holland, *Brabant* and *Zeland*, under the Dominion of
the

King Henry VI. the Duke of *Burgundy*, then no Merchandize, growing or wrought, within any of his Countries, shall come into *England* on Pain of Forfeiture thereof (i).

Upon Contention between *William* Earl of *Arundel* and *Thomas* Earl of *Devon* (k), for Superiority of Place in Council and Parliament, it was enacted by the King and Lords, with the Advice of the Judges, That the said Earl of *Arundel* and his Heirs, by reason of the Castle and Honour of *Arundel*, shall for ever enjoy the Preheminence in the Presence of the King and elsewhere, above the said Earl of *Devon*, as worshipfully, so saith the Act, as any of his Ancestors, Earls of *Arundel* before that Time ever had. And yet, it is observable, that in all the succeeding Lists of Peers summoned to Parliament, the Earl of *Devon* is always placed before the Earl of *Arundel*.

An Attempt of the Clergy to repeal the Statute of *Præmunire* proves ineffectual.

But the most remarkable Thing done this Parliament, was by the Bishops; who now made a strong Push to have the Act of *Præmunire* repealed. They had made considerable Interest in both Houses to effect their Design, but it was in vain. The greater Part of the Lords and Commons were so zealous for the Continuance of it, that they were constrained to endure that Eye-sore; and it remains in Force to this Day (l).

This Parliament had two several Prorogations; one from the 4th of *April* to the 7th of *May*; and the other, as the *Record* says, by reason of the Plague then reigning in *London* and *Westminster*, from *May* 30th to *June* 16th, at *Winchester*; tho' we cannot find that they ever met at that Place.

The Nation discontented.

We have hinted before, that the *English* Affairs in *France* were in a very bad Situation at that Time. The Loss of *Normandy* is ascribed by an Historian (m), to three Causes; First, the Treachery of the Natives there; who, tho' natural-born Subjects to the King of *England*, yet being *French*, in Language and Customs, they affected Subjection, mostly, to the *French* King. Secondly,

(i) *Statutes at Large* Cap. 1, 2.

(k) *William Fitz-Alan* Earl of *Arundel*, *Thomas Courteney* Earl of *Devon*. *DUGDALE's Baronage* Vol. I. P. 323.

(l) *Daniel in Kennet*, P. 400.

(m) *Ibid* P. 401.

Secondly, The Duke of *Somerſet*'s Avarice, who kept King Henry VI. not the Garrifons full as he ought to have done, that he might pocket the Money allowed for Soldiers. And, laſtly, The Diviſions at Home, in which the Great Ones engaged with ſo much Zeal that they had no Regard to Affairs abroad.

The Loſſes in *France* being known in *England*, it bred a general Diſcontent amongſt the People; and the Fault was totally laid on the Queen and her Miniſtry. A Parliament call'd to meet at Leiceſter. The loudeſt Exclamations were raiſed againſt the Duke of *Suffolk*, as the chief Inſtrument of all the Miſconduct; and it was reſolved, that he ſhould undergo a National Enquiry about it. The Queen, apprehenſive of the Danger her Favourite was in from ſuch a Proceedure, did all ſhe could to prevent it. Firſt, by endeavouring to hinder a Parliament from being called; and next, when ſhe could not avoid that, by having it ſummoned to meet at *Leiceſter*; where, in a Country-Town, ſhe imagined, her numerous Attendance might over-awe the Members. But the Lords and Commons, who knew they were ſafe under the Protection of the City of *London*, poſitively reſuſed to meet at all, unleſs they were appointed to come to *Weſtminſter*. So the Writs of Summons were iſſued out, dated *September 23d*, for a Parliament to meet, at the latter, on the 6th Day of *November* following. They reſuſe to meet any where but at *Weſtminſter*. A Parliament call'd there accordingly, Anno Regni 28. 1450.

By the *Abridgment of the Records*, we find that this Parliament underwent ſeveral Prorogations; for on the firſt Day of the Seſſion, *John* Archbiſhop of *Canterbury*, declared to the Lords and Commons, that, for avoiding the infectious Air of *Weſtminſter*, the King had, really, prorogued the ſaid Parliament to *London*; and deſired the Commons to chuſe their Speaker, and preſent him the next Day to the King. Sir *Robert Cotton* here obſerves, that it ſeems the Fear of the Plague had cauſed the Archbiſhop to forget his Oration; and the Clerk of Parliament to enroll him as Chancellor. Which ſhews, that ſome Thing or other put them in great Confuſion at this Time. But Prorogued to *London*.

On the third Day of the Seſſion, the Commons preſented Sir *John Popham* Knight, as their Speaker, whoſe Excuse for not ſerving the Office, we find, was

King Henry VI. was accepted, and he was discharged. So on the same Day, the Commons presented *William Tresham*, Esq; for the same Purpose, who, with the common Protestation, was allowed.

William Tresham, Esq; elected Speaker in the Room of Sir John Popham excus'd.

The Parliament adjourn'd back again to Westminster.

December 4th the Parliament was again adjourned from *London* to *Westminster*, to be there held by the Chancellor, in the Presence of the King, Lords and Commons the next Day. And, on the 17th Day of the same Month, the Archbishop of *Canterbury* Chancellor of *England*, in the King's Presence, and on his Behalf, gave Thanks to the three Estates, and prorogued the Parliament from that Day unto the 22d of *January* next at *Westminster*.

From thence to Leicester.

This last Prorogation may be accounted for, by reason of the *Christmas* Holidays; but we are further told, that on the said 22d Day of *January*, when the Parliament met, the Archbishop of *Canterbury* was discharged from the Office of Chancellor, and *John Kempe*, Cardinal and Archbishop of *York*, was put in his Place; that they sat at *Westminster* to the thirtieth Day of *March*; and then the Chancellor, by the King's Command, prorogued the Parliament from the said Day to the 29th of *April*, next ensuing, at *Leicester*.

A large Subsidy.

In all this Time there is not one Word more of Business done this Session, than is before mentioned. But, after this, an extraordinary Subsidy was granted; which was, 'That every Person having by free Deed, Copy, Grant of Annuity, or Office, the clear Yearly Value of 20 s. in Frank-Tenement should pay Six-pence, and so from 20 s. to 20 l. From 20 l. to 200 l. Yearly, Twelve-pence in the Pound: From 200 l. and upwards 2 s. for every Pound, as well Laity as Clergy; Guardians of Wards, Men having Fees, and all Corporations to pay accordingly. Several Sums also, out of the King's Revenues and Fee-Farms, to a great Value, were allowed to bear and pay the Charges of the King's Household.

But, before the last Prorogation to *Leicester*, came on the Trial of the Duke of *Suffolk*, on several Articles of High Treason; which, because he saw that he could

not

not avoid, he moved for himself (n). For, according to the Record, on the 22d Day of *January*, the Duke stood up in the House of Lords, and required the King 'That he might be specially accused, and be allowed to answer to what many Men reported of him, that he was an unfaithful Subject.' He further told the King, 'That his Father, and three of his Brethren, died in his Service and that of his Father's and Grandfather's. That he himself had served in the Wars thirty-four Years; and being but a Knight, and taken Prisoner, had paid for his Ransom 2000*l*. That he had been of the Order of the Garter thirty Years, and a Counsellor to the King fifteen Years, and had been seventeen Years in the Wars, without returning Home. And, asking God's Mercy, as he had been true to the King and Realm, he required his Purgation.'

King Henry VI.

January 26, the Commons came before the Lords, and required that the Duke, on his Confession, might be committed to safe Custody; but, the Lords and Judges, upon Consultation, 'thought there was no good Cause for it, unless some especial Matter was objected against him.'

January 28, the Speaker came again, and declared, 'That the Duke of *Suffolk*, as it was said, had sold this Realm to the *French*, who had prepared to come hither; and that the said Duke, for his own Defence, had furnished the Castle of *Wallingford* with all warlike Munition; whereupon at the Speaker's Request, the said Duke was committed to the Tower of *London*,

The Duke of Suffolk committed to the Tower.

February 7, the Speaker of the House of Commons, the Chancellor and the Lords, sent to the King a Bill of Articles, by which they accused *William de la Pole*,

(n) *Hall* writes, that the Duke of *Suffolk* was called in every Man's Mouth a Traitor and a Murderer, a Robber of the King's Treasure, and worthy to be put to the most cruel Death; for which Reason the Queen, somewhat fearing his Destruction, but more her own Confusion, caused the Parliament before begun at the *Black Fryers* in *London*, to be adjourned to *Leicester*; thinking there, by forcing the Laws, to subdue and repress all the Malice and Ill-will conceived against the Duke and her. But few of the Nobility would appear there, so that the Parliament was again adjourned to *London*. *Hall's Chron.* Fol. CLVIII. *Hollingshead*, P. 631. *J. Stowe*, P. 387.

King Henry VI. *Pool*, Duke of *Suffolk*, late of *Ewelme* in the County of *Oxford*, of sundry Treasons (o), viz.

Articles against him.

I. That the said Duke having the Wardship of *Margaret* the Daughter and Heir of *John* Duke of *Somerset*, he meant to marry his Son *John* to her; and thereby for want of Issue of the King, to claim the Crown, and to procure the *French* King, by means of certain *French* Lords, there named, to depose the King.

II. That he procured the Delivery of the Duke of *Orleans*, and practised with him to cause the *French* to recover the *English* Conquests in that Kingdom.

III. Related to the Duke's Promise of Delivery of *Anjou* and *Main*, to requite the King of *Sicily* the King's Enemy, without the Assent of the other Embassadors.

IV. For disclosing the King's Counsel to the Earl of *Dumoy's* Bastard of *Orleans*, and to others of the *French* Nation.

V. For betraying to the *French* the Strength of the King's Piles, Ordnance, and Munition, beyond Sea.

VI. That the said Duke, by disclosing the King's Secrets, caused the Peace to be broken.

VII. That the said Duke supported the King's Enemies, by staying sundry Arms which should have passed against them.

VIII. That the said Duke had strengthened the King's Enemies against him, by not compromising in the last Peace the King of *Arragon*, who is almost lost; and the Duke of *Britany*, who is wholly so (p).

All which Articles, the Commons require to be enrolled, and that Prosecution may be awarded thereon.

On the 9th Day of *March*, the Commons made a new Complaint against the Duke, in Effect following:

First, For procuring the King, in his 18th Year, to give away the Inheritance and Lands of the Crown.

For

(o) *Fabian* writes, that *James Fienes* Lord *Say*, the Bishop of *Salisbury*, and *Daniel Trevilian*, Gentlemen, with others, were at the same time, accused by the Commons. *Fabian's Chron.* A. 1450. *J. Stowe*, P. 387.

(p) *Rapin* remarks, that Historians say the Duke cleared himself from all but this last Article, and has taken some Pains to explain it. See *Rapin's Hist. of England*, Fol. Ed. P. 574.

For procuring many Liberties in derogation of the King Henry VI. Common Law, and Hinderance of Justice.

For causing the King to give away the Castle of *Manlion de Searl*, and other Territories in *Guienne*.

For that the Earl of *Armanac* and other Nobles of *Guienne*, were drawn from their Obedience to the King, by the said Duke's discovering of Secrets, to the utter Impoverishment of this Realm.

For procuring the King to bestow the keeping of divers Towns and Offices in *Normandy* and *Guienne*, on unworthy Persons.

For procuring the King to grant the Earldoms of *Enreney* and *Longueville*, and other Lordships in *Normandy* to the Bastard of *Orleans*, and other *Frenchmen*, the King's chiefest Enemies, without the Assent of the Council.

For that the Duke procured the King, in his own Presence, to promise the *French* Embassador to attend in Person at the Convention in *France*, to the King's Subversion if it had taken Effect.

For causing the Subsidies granted to be contrarily employed.

For causing the King's Treasure to be spent on the *French* Queen, and other *French* People.

For consuming the Sum of 60,000 *l.* left by the Lord *Dudley* the late Treasurer.

For conveying out of the King's Treasury the Obligations of the Finnance for the Duke of *Orleans*.

For procuring himself to be made Earl of *Pembroke*, and obtaining the Lordships of *Haverford-West*, after the Death of Sir *Rowland Lenthal*.

For staying the Procefs of Outlawry against *William Talbois*, Esq; of *Lincoln*, upon several Appeals of Murder.

For procuring a Pardon to the said *William*, for not appearing upon Suretyship of Peace.

For procuring Persons of his Confederacy to be made Sheriffs.

For procuring a Garrison of *Englishmen* to fight against the *Germans*, the King's Allies, on the Part of the *French*, the King's Enemies.

King Henry VI. All which Articles the Commons required to be enroll'd, and that the said Duke might answer to them.

On the 9th Day of *March* the Duke of *Suffolk* was brought from the *Tower*, by the King's Writ, into the Parliament Chamber, at *Westminster*, before the King and Lords; to whom the Articles aforesaid were rehearsed, who desir'd a Copy of them, which was granted. And, for the more ready Answer to them, he was committed to the Custody of certain Esquires, in the Tower within the King's Palace.

March the 14th the said Duke appeared again before the Lords, and on his Knees denied the Truth of the first eight Articles of Treason against him; and offer'd to prove them false in any Manner the King should appoint. The first of them he denied as impossible, inferring, that some of the Lords knew he meant to have married his Son to the Earl of *Warwick's* Daughter, if she had lived. To many of the rest, he referred himself to the King's Letters Patents, and to some Acts of the Council. To the yielding up of *Anjou* and *Main*, he referred also to the Acts of the Council; which shew, that other Lords were privy thereto, as well as himself, and said that the same was deliver'd up by the Bishop of *Chichester*, then Keeper of the Privy Seal.

On *March* 17th the said Duke was brought again before the Lords, to whom the Chancellor repeated the Answer he had made, and told him, that therein he had not put himself upon his Peerage, and asked the Duke which Way he would be tried? Who, kneeling, said, that he hoped he had answered all Things to the full, and so protesting his Innocency, referred himself entirely to the King's Mercy and Award.

Thereupon the Chancellor, by the King's Command, pronounced this Sentence, ' That since the Duke did not put himself upon his Peerage, the King, in relation to the Articles of Treason contain'd in the first Bill, would be doubtful. And as to the Articles of Misprision, the King, not as Judge by the Advice of the Lords, but as one to whose Order the Duke had committed himself, doth banish him the Realm

He is sentenced to be banished the Kingdom for five Years.

‘ Realm, and other his Dominions, for five Years ; King Henry VI.
‘ from the first Day of *May* next ensuing (a).’

After which Sentence being given, the Lord Viscount *Beaumont*, Lord High Constable, stood up, on the Behalf of the Bishops and Lords, and required,
‘ That it might be enrolled, that the said Judgment
‘ was by the King’s own Rule, and not by their As-
‘ sent ; and also required, that neither they nor their
‘ Heirs should, by this Example, be barred of their
‘ Peerage and Privileges.’

Mr *Collier* here remarks, that by the Enrollment of this Protestation, it appears, the Bishops had an equal Right of being tried by their Peers with the Lords Temporal : Why else, adds he, should it be moved, in Behalf of the Bishops, that this Case of the Duke of *Suffolk* might not be drawn into a Precedent, to the Disadvantage of their Peerage (b).

We have chose to give the foregoing Account of this Parliamentary Inquiry, into the Misconduct of a Prime Minister, from the Records themselves ; our larger *English* Historians are much more prolix in the Circumstances of this Trial, but not altogether so consistent with Truth. What we have to add, about the Fate of this unfortunate Statesman, is, that undoubtedly the Mildness of his Sentence proceeded from the Queen’s great Indulgence to him ; who was in hopes, that his short Banishment might last longer than the Malice of his Enemies against him. But, unhappily for both, the Duke was taken Prisoner at Sea, by a private *English* Captain, who had way-laid him, had his Head struck off on the Side of a Cock-boat, and fell openly a terrible Example of divine Vengeance, for the private Murder of the good Duke of *Gloucester*. Yet this Minister, bad as he was, hath found some Advocates in History ; and one old Writer particularly, remarks, ‘ That the most
‘ vile Thing in this Parliamentary Accusation against

But in his Passage is murdered by a Captain.

R 2

‘ him

(a) The History of *Croyland*, after giving the Duke of *Suffolk* a most terrible Character, says, that he was condemn’d by Parliament to perpetual Banishment. *Statuto deinde Parlamento, carentes Regis Offensionem, ipsum in Exilium condemnabant perpetuum : Insidias tamen ei ponentes ad Tempus, et Diem Transfretationis in Partes peregrinas peremptorium assignantes.* Hist. *Croyland*. Continuatio. p. 525, Ed. Gale.

(b) *Collier’s Ecc. Hist.* Vol. I. p. 672.

King Henry Vi. ' him was, that they should charge that as a Crime up-
' on *Suffolk* now, which they themselves had in a for-
' mer Parliament consented unto and ratified (c).'

There was little other Business than what is mention-
ed, done at this Session ; and no Acts of any Conse-
quence were pass'd, except one only, mentioned in the
Abridgment of the Records, call'd an Act of Resump-
tion ; whereby Power was given to the King, ' To
' take into his Hands all Hereditaments, Offices, Li-
' berties and Grants whatsoever, from the first Day of
' his Reign to the making of this Act ; except certain
' peculiar Grants there mention'd.'

By the Duke of *Suffolk's* Death, the Door was made
still wider for the Duke of *York's* Claim to the Crown ;
and he, with his Friends, made all the Use they could
of this favourable Conjuncture. An Historian (d) tells
us, that his Friends gave it out in all Companies,

The Duke of
York's Schemes
for obtaining the
Crown.

' That the Nation, being governed by a slothful
' King and an ambitious Queen, who neither of them
' understood the true Measures of Government, did
' daily decay in its Reputation and Interest, of which
' the Loss of *France* was an invincible Demonstration.
' That the publick Good ought to be more nearly
' look'd into, and Men of such Abilities rais'd to the
' Helm, as might both advance the Honour of the *Eng-
lish*, and be a Terror to their Enemies. That the
' Duke of *York* was a Person every way qualified for
' the greatest Trust, having given a very great Proof
' of it in composing the Rebellion in *Ireland*, with so
' great Satisfaction to the People, as well as Safety to
' the King. That in reality, that Duke had the best
' Title to the Crown, the Family of *Lancaster* being
' no better than Usurpers ; and, though, indeed, King
' *Henry* might be tolerable, if he was either like his
' Father or his Grand-Father, whose Virtue and Cou-
' rage made their bad Titles overlook'd ; yet since his
' easy and gentle Nature render'd him incapable of go-
' vernaing well, it was better for the People to set up a
' Person, who, if he had no Right, was the fittest Man
' in the Nation to wield a Sceptre, but much more being
' the

(c) *Speed's Chron.* p. 662.

(d) *Sam. Daniel by Kennet*, p. 402.

‘ *the true Heir, than suffer others to usurp the Power of King Henry VI. doing them, and the King himself, a Mischief.*

These and such like Discourses being well relished by the Generality of the Nation, it was not long before the Resolution of a Change was put to a greater Trial. The Story of the Rebellion under *Jack Cade*, who stiled himself Lord *Mortimer*, is too well known, to need any Repetition here; our Historians suppose, that this Fellow was spirited up, under Hand, by the Duke of *York*, to try the Bent of the Nation, in regard to his Title; that Lord, or Sir *John Mortimer* having been Brother to the Earl of *March*, who was beheaded in the last Reign, and who was then the undoubted Heir of the Line of *York*. Our Purpose is, only, to shew how much the Parliament of *England* were concerned in this Quarrel; and one being called the next Year, in the midst of *Cade's* Rebellion, we shall proceed in our Enquiries of what was transacted at it.

It has been our Custom, hitherto, to give a List or two of the Peers, summoned to Parliament, in a long or a short Reign, in order to inform the Reader under what Names and Titles they were then called, as well as the particular Number of them. We think proper to give the following List of Peers, summoned to attend the next Parliament, since in a small Time after, they were interrupted by the Civil Wars, and most of their Meetings then were to their own Destructions.

In the 29th Year of *Henry* the Sixth.

The King, &c. to Richard Duke of York, &c. to meet at Westminster, on the Feast of St. Leonard, &c. Witness the King at Westminster, September the fifth.

Anno Regni 29.
1451.

At Westminster.

<i>Henry, Duke of Exeter,</i>	<i>William, Earl of Arundel,</i>	State of the Peerage at that Time.
<i>John, Duke of Norfolk,</i>	<i>Ralph, Earl of Westmore-</i>	
<i>Humphry, Duke of Buck-</i>	<i>land,</i>	
<i>Edmund, Duke of Somerset,</i>	<i>Richard, Earl of Salisbury,</i>	
<i>Richard, Earl of Warwick,</i>	<i>John, Earl of Oxford,</i>	
<i>Henry, Earl of Northumber-</i>	<i>John, Earl of Worcester,</i>	
<i>land,</i>	<i>James, Earl of Wiltshire,</i>	
<i>Thomas, Earl of Devonshire,</i>	<i>John, Viscount Beaumont,</i>	
	<i>James, Lord Berkeley,</i>	
	<i>Edward,</i>	

King Henry VI. Edward, Lord Gray, of Thomas, Lord Clifford,
 Groby, Henry, Viscount Bouchier,
 Edmund, Lord Gray, of Edward, Lord Brooke, of
 Ruthin, Cobham,
 Robert, Lord Hungerford John, Lord Talbot of Lisle,
 senior, Thomas, Lord Scales,
 Ralph, Lord Graystock, Reginald, Lord Gray de
 Henry Percy, Lord Poin- Wilton,
 ings, John, Lord Stourton,
 William, Lord Bottreaux, Richard Woodvile, Lord
 Thomas, Lord Dacres, of Rivers,
 Gilsland, William Bouchier, Lord
 John, Lord Beauchamp, Fitzwarren,
 James, Lord Audley, William, Lord Boneville,
 Ralph, Lord Cromwell, Henry Bromfleet, Lord
 William, Lord Zouch, of Vescy,
 Harringworth, Thomas, Lord Roos,
 John, Lord Scroop, of Ma- Robert, Lord Hungerford,
 sham, of Molins,
 William, Lord Fitzbush, Ralph, Lord Boteler, of
 Henry, Lord Scroop, of Sudley,
 Bolton, Thomas, Lord Gray, of
 Leonard Lord Welles, Richmond,
 John, Lord Clinton, William Beauchamp, Lord
 William, Lord Lovel, St. Amand,
 Edward Nevile, Lord Ber- Thomas Percy, Lord Egre-
 gavenney, mont,
 Robert, Lord Willoughby, John Sutton, Lord Dudley,
 William Fynes, Lord Say and Seal (e).

These great Men, with the Prelates, Clergy and Commons, being assembled November 6th before the King, sitting in his Chair of State, in the *Painted Chamber* at *Westminster*, John Kempe Cardinal, Archbishop of *York* and Chancellor of *England*, by the King's Command, declared, 'That this Parliament was
 ' called to provide for the Defence of the Realm, the
 ' safe keeping of the Seas, and to make Provision for
 ' an Army against the *French*; but, particularly, for
 ' suppressing

(e) Besides these Dukes, Earls and Barons, Writs were directed to about fourteen Knights, &c. to attend the Service of the House of Peers this Parliament. DUGDALE'S *Summons to Parliament*, P. 445.

‘ suppressing of Insurrections at Home.’ To which King Henry VI. End, he desired the Commons to chuse, and present their Speaker, as usual.

But, according to the Record, it was not till the 19th of *November*, that the Commons presented Sir *William Oldhall*, Knight, to be their Speaker, who was allowed, with the usual Protestation.

Sir William Oldhall chosen Speaker.

The first Thing, we find, that this Parliament went upon, was to devise several Orders and Regulations about altering the Manner of collecting and paying the Subsidy granted by the last Parliament; tho’ what Regulations they were, are not mentioned in the *Abridgement*.

Nor is any thing else given us from the Record, except a Complaint and Appeal for a Murder, tho’ this Session lasted above a Month; when, on the 17th of *December*, the Chancellor, in the Presence of the King and the three Estates, prorogued the Parliament to the same Place, on the 20th Day of *January* following. And, again, on the 29th Day of *April*, it was, also, prorogued to the fifth of *May* next ensuing.

The first Thing that we find, now, in this third Session, is a Grant to the King of 20,000*l.* out of the Customs of *London* and *Southampton*, by hundred Pound Payments, to relieve his immediate Wants and Poverty. Besides, in Consideration of 4000*l.* delivered to the King, in *Allom*, by some *Genoese* Merchants there named, it was enacted, ‘ That they shall be al-

A Monopoly granted, in order to raise Money.

‘ lowed to ship any Staple Ware out of the South of *England*, until they be answered the said Sum.’ Also, it was enacted, ‘ That certain Merchants of the South shall have all the *Allom* aforesaid, on advancing to the King in Hand 8000*l.* and that no Man be allowed to bring, buy or sell any other *Allom*, for the Space of two Years, on Pain of forfeiting the same.’ This was a strange *Monopoly*, and shewed the pressing Occasions of the King and State, for Money at that Time.

A very extraordinary Petition of the Commons was presented to the King, importing no less than the Removal of most, or all his Court, from him. For it was desired, that *Edmund Duke of Somerset*, *Alice*

The Commons desire the Removal of most of the King’s Servants

King Henry VI. *Poole* late Wife of *William Poole* late Duke of *Suffolk*, *William Bishop* of *Chester* (f), *Sir John Sutton* Knt. Baron of *Dudley*, *William Daniel* late of *London*, Esq; *John Trevilian* and *Edward Grimstone* of *London*, Esqrs. *Thomas Kemp*, Clerk of the Commons; *Reginald*, Abbot of *St. Peter's* in the County of *Glocester*; *Thomas Pulford* of *London*, Esq; *John Hampton*, *William Myners*, *John Blackwell*, *John Penderike*, *John Gergoran*, *Stephen Slegg*, *Thomas Stacey*, *Thomas Hore*, Esquires; the Lord *Hastings*, *Sir Edmond Hungerford*, *Sir Thomas Stanley*, Knights; *Jenkin de Stanley*, Esq; Usher of the King's Chamber, *Barthol. Hawley*, *Ralph Balthorp*, Esqrs. *Sir Edmund Hampton*, *Sir Robert Wingfield*, Knts. Mr. *Gervase Deberre*, one of the King's Secretaries, Mr. *John Somerset*, and Mr. *John Newport* of the Isle of *Wight*, 'be banished from the King's Presence during their Lives, and not to come within twelve Miles of the Court, because the People spoke evil of them.'

The King's mild Answer.

The King's Answer to this Petition, was, 'That as to himself, he was well contented, that they should go, unless they were Lords, and a few others whom he could not well spare from about his Person, and so to continue absent for one Year, to see if any Man could truly lay any Thing to their Charge.'

The Rebellion in Kent under Jack Cade.

Whether this last Petition was made in order to quiet the Clamours of the People of *Kent*, &c. who were then up in Arms under the Conduct of *Jack Cade*, we know not. But, a very severe Act was passed this Session against that Rebel; whereby he was attainted of Treason, all his Lands, Tenements, &c. given to the King, and his Blood corrupted (g).

But tho' our Records are somewhat silent, as to the Complaints of the Commons, under *Cade*; History is not so, but hath given us the Contents of two Bills, which, it is said, they exhibited to the Houses, then sitting

(f) The Bishoprick of *Chester*, as it now stands, was only erected by *Henry VIII.* but the Bishops of *Litchfield* and *Coventry*, were anciently stiled Bishops of *Chester*. This Man was one *William Bootbe*, translated the next Year to the See of *York*. *LE NEVE's Fasti Ecc. Ang.*

(g) *Stat. at Large*. 29 *Henry VI.* Cap. 1.

ting at *Westminster*, that they might have their Con-
currence with them in the Reformation they were
bringing about in the Government. King Henry VI.

(b) The first they called *The Complaints of the Com-
mons of Kent, and the Causes of their assembling at
Blackheath*. In it they represented to the Parliament,
‘ That it was reported that *Kent* should be depopulated
‘ and made a Forrest, to revenge the Duke of *Suffolk’s*
‘ Death, tho’ the People of that Country were no way
‘ guilty of it. That the King had given the Revenues
‘ of the Crown to his Favourites, and resolved to live
‘ on Taxes raised on his Subjects, which would impo-
‘ verish his People. That Lords of the Royal Blood
‘ were excluded from his Government, and mean Per-
‘ sons preferred, who would not administer Justice
‘ without Bribes and Gifts. That the Provisions of
‘ the King’s House were taken of the Subjects, and
‘ not paid for, to the undoing of many. That the
‘ King’s menial Servants falsely accused many of High-
‘ Treason, in order to get their Estates. That the
‘ King’s Servants by unjust Claims of Feoffments,
‘ have deprived divers of the Commons of their E-
‘ states and Rights. That certain Traitors who have
‘ lost the King’s Territories in *France*, should be pu-
‘ nished without Mercy. That the Sheriffs and Un-
‘ der-Sheriffs of Counties, farming their Offices and
‘ Bailiwicks, are forced to extort unjust Fines from
‘ the People to pay the Sums. That the Officers of
‘ the Court of *Dover* in *Kent*, vex and arrest Men, in
‘ all Parts of the Country, upon untrue Actions, and
‘ require great Fees of them for their Deliverance.
‘ That the Freedom of Election for Knights of the
‘ Shires hath been taken from the People by the great
‘ Men, who send Letters to their Tenants and Depen-
‘ dants to chuse such Men as the People approve not
‘ of. That Collectors of the King’s Taxes being
‘ made, for Bribes, by the Knights of the Shire, use
‘ many Extortions to raise them. And, lastly, that
‘ the Sessions being held in the farthest Part of the
‘ County, Eastward, the People were forced to go five
‘ Days Journey to them, to their great Trouble and
‘ Damage;

The high De-
mands of the
Rebels.

King Henry VI. ' Damage ; which they desire might be settled in two
' Places more conveniently.'

The other Paper they stiled, *The Requests of the great Assembly in Kent* ; and, in this, they humbly petitioned, ' That the King would assume to himself the
' Demesnes of the Crown, that he might live conformable to his Royal Dignity. That the Duke of
' *Suffolk's* Kindred should be punished, according to the
' Laws of the Realm ; and the Lords of the Blood-Royal, *viz.* the Dukes of *York, Exeter, Buckingham,*
' and *Norfolk*, be taken into Favour, and entrusted
' with the Government, and that then he would be
' the happiest and richest Prince in *Christendom*. That
' all Persons guilty of the Duke of *Glocester's* Death
' be punished as false Traitors to the King and Realm ;
' and the rather, because by their Means, the Duke of
' *Exeter*, the Cardinal of *Winchester*, and the noble
' Prince the Duke of *Warwick*, with many other Lords
' and Gentlemen, and all the King's Countries in
' *France* have been lost. Lastly, that all Extortions
' used daily among the common People, *viz.* *Green-*
' *Wax, King's-Bench,* and *King's Pourveyors* and *Statutes*
' of *Labourers* be so regulated, by the King and
' his Council, that they may not be such an intolerable
' Burthen to the Commons of *England*.'

These Complaints of Grievances, &c. having been seen and perused, as well by the Lords and Commons in Parliament assembled, as by the King's Council, were not only, says our Historian, condemned and disapproved, but the Authors of them voted *proud and presumptuous Rebels, not to be gratified with fair Promises, but suppressed by Force of Arms*. But another Historian says, more justly, as seems probable by the Abstract from the Records, that it does not appear the Complaints of these People were rejected by Parliament, only that the Council condemned them ; as they would have done, had they been more reasonable, considering the Method of preferring them (i).

However, it was not long after, that *Jack Cade* and his Followers were put to Flight by the King's Army, and their

They are suppressed.

(i) HOLLINGSHEAD's *Chron.* P. 634.

their Leader slain, having had a Price set on his Head King Henry VI. by Proclamation (k).

This small Commotion, in Comparison to what followed, being settled, and the War with *France* entirely ended; for all *Aquitain*, which had been in the *English* Hands near 300 Years, being yeilded up; there was nothing left to contend for. The Duke of *York*, who was then in *Ireland*, hearing of the bad Success of his first Attempt, came over to consult with his Friends in *England* what Game they were next to play. The chief Supporters of his Party, were *John Mowbray* Duke of *Norfolk*, *Richard Nevil* Earl of *Salisbury*, with the Lord *Richard Nevil* his Son; who was afterwards the famous Earl of *Warwick*, by the Marriage of the Lady *Anne Beauchamp*; *Thomas Courtney*, Earl of *Devon*, and *Edward Brooke*, Lord *Cobham*; all of them Persons of great Authority, numerous Attendants and daring Valour. These Noblemen, with many

Farther Attempts of the Duke of *York*.

(k) In the *Public Acts* is a Licence from the King to one *John Mistelden*, and three of his Servants, to carry on a Process, in Alchemy, for the Transmutation of Metals, or to find out the Philosopher's Stone. There are no less than three Licences before, in this Reign, to different People, for this Piece of Folly, or Knavery, which was still carried on to much greater Lengths in later Reigns. This Grant is specified, at the End, to be done by the King, with the Authority of Parliament, which shews the Ignorance and Credulity of that Age. *Fæd. Ang. Tom. XI. Pag. 309.*

But, in another Licence granted to *John Fauceby*, *John Kyrkby*, and *John Rayny*, about four Years after, this Mystery is farther explained in these Words:

Cum antiqui sapientes & famosissimi Philosophi, in suis scriptis & Libris, sub Figuris & Integumentis, docuerint & relinquerunt, ex Vino, ex Lapidibus pretiosis, ex Oleis, ex Vegetabilibus, ex Animalibus, ex Metallis, & ex mediis Mineralibus multas Medecinas gloriosas & notabiles confici posse; & præsertim quandam pretiosissimam Medicinam, quam aliqui Medicorum Philosophorum Matrem, vel Imperatricem Medicinarum dixerunt; alii Gloriam inestimabilem eandem nominarunt; alii, vero Quintam-Essentiam, aliis Lapidem Philosophorum & Elixir Vitæ noncupaverunt; Cujus Medicinæ Virtus tam efficax & admirabilis existeret, quod per eam quæcunque Infirmitates curabiles curarentur faciliter, Vita humana ad suam prorogaretur Terminum, & Homo in Sanitate & Viribus naturalibus, tam Corporis quam Animæ, Fortitudine Membrorum, Memoræ Claritate, & Ingenii Vivacitate, ad eundem Terminum mirabiliter præservaretur: Quæcunque etiam Vulnera curabilia sine Difficultate sanarentur, quæ, insuper, contra omne Genus Venenorum, foret summa & optima Medicina, sed ad alia plura commoda, nobis & Reipublicæ Regni nostri utilissima, per eandem fieri possent, veluti Metallorum Transmutationes in verissimum Aurum & finissimum Argentum, &c.

Teste Rege apud Westmonasterium 23 Aprilis 1456. per ipsum Regem, & de Auctoritate PARLIAMENTI. *Fæd. Ang. Tom. XI. Pag. 379.*

King Henry VI. many others of lesser note, had divers Meetings about setting the great Machine in Motion; and the old Topic of redressing Grievances in the Government, was thought to be the most plausible Way to begin the Quarrel. Accordingly, a Letter of Remonstrance was wrote by the Duke of *York* to the King, shewing the Male-Administration of the Ministry, pointing out some Ways to redress them, by imprisoning and bringing to Tryal the chief Offenders, particularly the Duke of *Somerset*. The King returned a mild Answer to this Letter; but that not satisfying the Duke, he hastned into *Wales*, raised an Army, and encamped with them on *Burnt-heath*, near *Dartford*, within ten or twelve Miles of *London*. The Ministry had, also, taken some care of themselves, by raising Forces, which, under the King's Command, were encamped on *Black-heath*, some few Miles distant from the other.

He raises an Army.

Accommodation between him and the King.

Henry had no mind to come to a Battle, being always sparing of his Subjects Blood, and therefore sent Messengers to the Duke to know his Reasons for coming thus armed against him. The Duke's Answer was to the same Purport as his Letter; the Bishops and Lords who were sent by the King, had a Commission to grant any reasonable Terms of Accommodation; they, therefore, assured him, that the Duke of *Somerset* should immediately be clap'd up in Prison; on which he instantly dismissed his Army. Nay, he is said to have taken an Oath, some Time after, in *St. Paul's Church*, before the King and all his Nobles, never to take Arms again, or disturb King *Henry* in the Possession of the Crown.

Anno Regni 31.
1453.
At Reading.

In this Interval, when the Sore was thinly skinned over, which was likely to break out more violently afterwards, a Parliament was called to meet at *Reading*, by Writs dated at *Westminster* the 20th Day of *January*, for an Appearance at the Place aforesaid on the 6th Day of *March* following; *Richard* Duke of *York* and *Edmund* Duke of *Somerset* being the first Persons named on the List.

At the Day appointed they all met in the great Chamber or Refectory, within the Abby of *Reading*, when

when (1) *William*, Bishop of *Lincoln*, in the Absence of *John* Archbishop of *Canterbury*, Chancellor of *England*, very notably, according to our Authority, declared the Cause of the Parliament; chiefly, for the good Government of the Realm, and safe Defence of the same; to which End he bid the Commons choose their Speaker, and present him as usual. And the next Day, after the Receivers and Tryers of Petitions, according to antient Custom were appointed, the Commons presented to the King *Thomas Thorpe*, Esq; to be their Speaker, who, with the common Protestation was allowed.

King Henry VI.

Thomas Thorpe
Esq; elected,
Speaker.

The first Thing they went upon in this Session, was the Supply; when the Commons granted to the King, one *Tenth* and one *Fifteenth*; likewise, Tonnage and Poudage during his Life. The Commons, also, granted to the King, for the same Term, the Subsidy on Wools; that is 23 s. 4 d. for every Sack of Denizens, and 5 l. from Aliens, and so for other Staple-ware in proportion. Likewise, they gave the King of every Merchant, not born within the Realm, and no Denizen, and keeping House, 40 s. and of every such Merchant, as shall remain within the Realm but six Weeks, 20 s. per *Annum*. And of every Merchant alien, being no Denizen, 13 s. 4 d. Yearly, during the King's Life.

A Subsidy.

After this, the Speaker came before the King, and declared that the Commons had voted 20,000 Archers, for the King's Service, for the Term of half a Year. And, *March* the 18th, when these Money Bills were passed, and Thanks for them given to the Lords by the King himself; *John*, Cardinal, Archbishop, and Chancellor, by the King's Command, prorogued the Parliament from the Day and Town aforesaid, to the 20th of *April* then ensuing, at *Westminster*.

The Parliament
prorogued to
Westminster.

Being met again, the King discharged the Commons of 7000 Archers, part of the 20,000 granted him last Sessions.

(1) *William Alnewick* died Bishop of *Lincoln*, Anno 1449; to whom succeeded *Marmaduke Lumley*, who died in 1451, and was succeeded by *John Chedworth*, the same Year. *Le Neve's Fasti Ecc. Ang.* There must be some Mistake therefore, either in that Author, or in the Record. In *Dugdale's* Summons to Parliament the Writ is directed *J. Episcopo Lincoln*, for this Meeting.

King Henry VI. Sessions. And, a due Proportion was settled, for every particular County in the Realm, what they would bear towards the Support of 13,000 Men for his Majesty's Service. But, in Consideration of a considerable Sum of Money, to be levied by the Commons, the King was content to respite the raising the said 13,000 Archers; unless, upon great Necessity, or being obliged to go in Person to the Wars, he be forc'd to take them.

It was ordained that *Edmund Duke of Somerset*, late Captain of *Calais*, shall be paid 21,648 l. 10 s. out of the Custom of the Staple Wares going out of the Port of *Sandwich*, for Fees and Wages due to him and other chief Captains and Soldiers, whilst he was Governor there. Also, a particular Rate was made out of the Grant of a *Fifteenth*, to certain Persons in every County in *England*, allotted to the repairing of *Calais*, and for making a *Rise-bank* there. Likewise, an Allotment of 20 s. out of the Subsidy for every Sack of Wool, was allowed towards the Wages and Victualling of Soldiers in the Garrison at *Calais*.

To Reading;

And to Westminster again.

The Duke of York President of the Parliament.

The Commons farther grant unto the King the Moiety of one *Tenth* and one *Fifteenth*, for which the King thought proper to return them Thanks; and after these Words, viz. *We thank you for your Grants, for the which be you assured, we will be a good and gracious Lord unto you*; the Lord Chancellor, on the second Day of *July*, prorogued the Parliament again to *Reading*, to the seventh Day of *November* following. And, at *Reading*, on the same Day, we find that the Parliament was adjourned from thence to the eleventh of *February* next, at *Westminster*. But on that Day, *John Earl of Worcester*, and Treasurer of *England*, by the King's Letters Patents, made another short Prorogation of three Days, to the fourteenth of the said Month at *Westminster*.

On which Day being again assembled to do Business, *Richard Duke of York*, by the King's Letters Patents, was appointed President in the said Parliament (m).

On the same Day, a very remarkable Case came before this Parliament. The Commons represented to the King

(m) The Instrument for it is in the *Public Acts*, and the Adjournment to *Westminster*, mentioned.

King and Lords, that *Thomas Thorpe*, their Speaker, King Henry VI. and *William Rail*, a Member of their House, were both imprisoned; they therefore requested, that the said Members might be set at Liberty, according to the Privileges of their House.

The next Day, the Duke of *York* stood up in the House of Lords, and acquainted their Lordships, 'That he had received Damages in an Action of Trespass against the said *Thorp*, last Term, by a Verdict in the King's Exchequer for carrying away the Goods of the said Duke of *York*, out of *Durham-House*; for the which he remained in Execution, and prayed that he might continue there.'

His Complaint
against Thorpe
the Speaker for a
Trespass.

The Advice of all the Judges being taken in this Matter, they made Answer, 'That it was not their Part to judge of the Parliament's Actions, who were Judges of the Law themselves; only, they said, that a General *Supersedeas* of the Parliament there was not, but a Special there was; in which Case of Special *Supersedeas*, every Member of the House of Commons ought to enjoy the same; unless it be in Cases of Treason, Felony, Surety of the Peace, or for a Contemnation before the Parliament.'

'After which Answer being given, the Lords came to this Resolution, 'That the said *Thomas Thorpe* should remain in Execution, notwithstanding his Privilege.' And, sent a Committee of their own House to the Commons, to require them, on the King's Behalf, to chuse a new Speaker. Accordingly, a Committee of the Commons were sent to the Lords to acquaint them that they had newly chosen, in the Place of *Thomas Thorpe*, Sir *Thomas Charlton*, Knight, for their Speaker; to which the Chancellor answered, that the King approved of him, and willed them to proceed effectually.

The Commons
chuse Sir Tho-
mas Charlton in
his stead.

About this Time, King *Henry* fell dangerously sick at *Clarendon*, and happy had it been for him, if he had then ended his Days; his Sickness continued a long Time, but, at last, he was perfectly recovered of it. The Joy at Court, on this Occasion, was augmented by the Birth of a young Prince, Queen *Margaret* having been delivered of him this Year, who was christned by the

King Henry VI. the Name of *Edward*. The Transactions of this Parliament take Notice of both these Particulars, as will appear by the Sequel.

A Committee of the House of Lords was appointed to go to the King, lying Sick at *Windsor*, to learn his Pleasure touching two Articles; the First, to know who should be Archbishop of *Canterbury*, and who Chancellor of *England*, in the Place of *John Kemp*, by whose Death they lay in the King's Disposal. The second, to know whether certain Lords, there named, to be of the Privy Council, were agreeable to him, or not. On the 25th of *March* the said Committee reported to the whole House, 'That they
' had been to wait upon the King at *Windsor*, and af-
' ter three several Repairs thither, and earnest Sollicita-
' tions to speak with the King, they could by no
' means have Answer, or Token of Answer, being
' only told the King was Sick.'

And whereas the Lords, on the 27th of *March*, had appointed the Duke of *York* to be *Protector* and Defender of the Realm, so long as the same shall please the King, the said Duke thereupon required the Answer of the Lords to the Articles following.

I. 'That it be enacted, that the said Duke doth
' take upon him the said Office, by the particular Ap-
' pointment of the Lords, and not of his own Seeking
' or Desire.'

Answer, 'The like Articles shall be made for this,
' as was made during the King's Minority.'

II. 'That all the Lords will assist the Duke in
' his Office.'

Answer, 'It is agreed by all lawful means.'

III. 'To prescribe the Power thereby given to the
' said Duke.'

Answer, 'He shall be Chief of the Council, Pro-
' tector and Defender, which implies a personal
' Attendance against foreign Invasion, and inward Re-
' bellion; but no Authority of Governance; and all
' this so it be no Prejudice to the Prince.'

IV. 'To appoint how much Money the said Duke
' shall take for the Exercise of the said Office.'

Answer,

Answer, ‘ Precedents shall be searched, and the Duke ^{King Henry VI.} conferred withal about it, after which an Act shall be made to settle it.’

Then the King’s Letters Patents were read in the House, appointing the said Duke to be his chief Counsellor, Protector and Defender of this Realm, during the King’s Pleasure; or, unto such Time as *Edward* the Prince shall come to Age of Discretion (*n*). Which great Office the Duke, in full Parliament, took upon him to perform. Hence it appears, says a late Historian, that it was believed the King’s Indisposition would last as long as he lived, and that it affected his Understanding more than his Body. In the next Place, adds he, by reserving this Office, for a Child of six Months old, who was to exercise it when at Age, the Parliament shewed their Intention, to preserve entire the Rights of the House of *Lancaster*, though the Duke of *York* was declared Protector. Other Letters Patents were read, which were made to *Edward* the young Prince, as in *Anno* 1. *Henry* VI. with the Yearly Fee of 2000 Marks, only; besides Allowances for learning to ride and such other Exercises; provided the same be no ways prejudicial to any Grant made to *Margaret* Queen of *England*. Again,

The King, by his Letters Patents, createth his Son *Edward* Prince of *Wales*, and Earl of *Chester*, to him ^{The King creates his Son Prince of Wales, &c.} and to his Heirs, Kings of *England*, with the Revenues thereunto belonging; which were confirmed by the Hands of all the Lords, and by the Commons in Parliament.

By the same Authority the King granted to his Queen *Margaret*, the Sum of 1000 *l.* Yearly, for her Life, out of the Customs and Subsidy of Wools in the Port of *Southampton*; besides fundry Manors and Hereditaments in the Counties of *Northampton*, *Southampton*, and *Oxfordshire*, which were, also, confirmed to her by Parliament. ^{A Dowry settled on the Queen.}

The further miscellaneous Proceedings of this
VOL. II. S Parliament

(*n*) This Instrument is, also, in the *Public Acts*, and another immediately following it for constituting *Edward* the young Prince, tho’ then scarce seven Months old, Protector, &c. when he shall arrive at Years of Discretion. They are both of the same Date, *viz.* *April* 3d, but the first is said to be done by Authority of Parliament, which the other is not.
Fœd. Ang. Tom. XI. P. 346, 347.

King Henry VI. Parliament were, that *Richard* Earl of *Salisbury*, *John* Earl of *Shrewsbury*, *John* Earl of *Worcester*, *James* Earl of *Wiltshire*, and the Lord *Stourton*, were appointed to keep the Sea; to whom was allotted the three Years Tonnage and Poundage granted by the last Parliament. And *April* 15th, it was agreed, that towards the Support of the Expence of the Lords aforesaid, there should be a Loan made from certain Cities and Towns, there named, of particular Sums, and they were to be answered for the same out of certain Customs and Subsidies.

In this Parliament *Thomas Courtney*, Earl of *Devon*, was accused of Treason, and acquitted of the same, by his Peers; *Humphry* Duke of *Buckingham* being High Steward for the Time being. But, because the Duke of *York* judged the Honesty of the said Lord to be touched, the said Earl made a public Declaration of his Loyalty before the House, and referred further Tryal of it, as a Knight should do; On which the Lords wholly acquitted him, as a loyal Subject.

The King's Half-Brothers created Earls with Precedency.

The King by his Letters Patents, publickly read in this Parliament, acknowledg'd *Edmond* of *Hadsham*, and *Jasper* of *Hatfield*, the Sons of Queen *Katherine* his Mother, to be his lawful Half-Brothers and Denizens. The King, also, created the said *Edmond*, Earl of *Richmond*; and that in Parliament, and elsewhere, he should have Preheminence above all Earls. The King, likewise, granted to the said *Edmond*, and to the Heirs Male of his Body, lawfully begotten, the whole County, Honour, and Dominion of *Richmond*, with all the Hereditaments and Appurtenances, with Warranty by the accustomed Services. Likewise, by Assent of Parliament, the King granted to the said Earl of *Richmond*, in Tail-general, the Manor of *Woresdale*, with the Appurtenances, in the Counties of *Lancaster*, *Westmoreland* and *York*, late belonging to *John* Duke of *Bedford*, to hold only by Fealty, with certain Provisions therein.

The King, also, by other Letters Patents, created *Jasper* of *Hatfield*, Earl of *Pembroke*, with the Preheminence to take Place above all Earls, next unto his elder Brother *Edmond*; and gave him, likewise, the whole County, Honour and Dominion of *Pembroke*, as above. In both which Creations and Grants, are certain

certain Provisoos, or Exceptions, and both these Letters Patents were confirmed by Parliament. King Henry VI.

The Commons required the Lords to call to mind the Hazard that the Town of *Calais* was then in, and the safe keeping of the Sea, and that the Subsidy granted might be really employed to that Purpose. They, also, desired the Lords to excuse them, from granting any other Subsidies; finally, they required, that a grave, or wise Council, should be established, to answer all Petitions, &c. which was promised.

It was ordained, that the Mayor, Constable and Fellowship of the Merchants of the Staple at *Calais*, shall be paid 10,000 Marks out of the Subsidy of Wools there, which Sum they lent towards the Payment of the Soldier's Wages in that Place. The said Mayor and Merchants made several Demands besides, which are not specified; to which they had Answers given them. But, *Richard Duke of York*, being appointed Captain, or Governor of *Calais*, and requiring Satisfaction in 13 Articles, or Demands, concerning ready Payment, and other proper Supplies for keeping the same, could obtain no Answer to them.

Sir *William Oldball*, Knight, who was Speaker in the last Parliament, was, also, attainted of Treason for being concerned in *Cade's* Rebellion, and a Writ of Outlawry against him, was confirmed by Parliament.

Whereas *Robert Poynings* of *Southwark* Esq; being Carver, Sword-bearer and chief Actor with *Jack Cade*, had his Pardon, upon which he, with certain Sureties by Recognizance, was bound in the Chancery for his good Behaviour; since which Time, he had committed many Riots, particularly, in raising and going with Men armed in *Kent*, against the Law; therefore it was ordained, that an Extent, upon the said Recognizance, shall go against the said *Poynings*, and his Sureties, and him, and their Lands and Goods.

We shall conclude the Acts of this Parliament, with a short Account of a Statute made on a private Affair. A Complaint was made by *Henry Beaumont*, Esq; Son and Heir to Sir *Henry Beaumont* Knight, and *Charles Powel* Esq; against *Edward Lancaster* of *Skipton* in *Craven*, Esq; for taking away Dame *Joan Beaumont*,

276 *The Parliamentary History*

King Henry VI. late Wife to the said *Henry*, being lawfully married to the said *Charles*, and for that the said *Edward* married the said Dame, against her Will, and thereby ravished her; against which *Edward*, and many others there named, Remedy is given by way of Appeal. These, and such like Practices, produced a Statute, which in the Acts of this Year goes under this Title, *A Remedy for a Woman enforced to be bound by Statute or Obligation*.

It has been said, that the Wars with *France* being now ended, the Civil Dissentions, between the two Houses of *York* and *Lancaster*, began in contending for the Crown; tho' hitherto Matters had been carried on both Sides with Moderation, the House of *York* having yet, not openly, made their Claim to the Regality, neither in Parliament nor out; but, only, raised an Army, under Pretence of reforming Abuses in the Government. 'The Title this Family had to the Crown, says an Historian (o), was very fair, according to the Law of the Land; *Richard*, the present Duke, being Great-Grandson of *Lionel* Duke of *Clarence*, elder Brother to *John* of *Gaunt*, Duke of *Lancaster*, by whom the three *Henrys* derived their Right to the Crown. But *Henry* VI. tho' his Title was not so fair and clear, yet, not being the Usurper himself, but succeeding upon the Usurpation of his Father and Grandfather, two very great Princes, and he being of known Goodness and Piety, had long kept Possession of it. Therefore it required great Art, Cunning and Force, in the Duke of *York*, to wrest the Diadem from him.'

Most of our Historians relate, that the Duke of *Somerset* was accused of Treason, in the last Parliament, having been arrested some Time before, and sent Prisoner to the Tower (p). How far this last Circumstance may

(o) *Daniel* by *Kennet* p. 410.

(p) *Fabian* writes, that the Duke of *Somerset* was arrested of High Treason December, 1. 1451. when the Parliament was sitting, and his Goods torne out of his House in the *Black Friars* and embezled. For, at this Time, adds he, the Lords Servants and Attendants who came to Parliament were very numerous; the temporal Lords keeping then more Hospitality, and had greater Retinues of Servants, far exceeding what the Lords in his Time did.

FABIAN'S Chron. Anno 1451.
J. Stowe

may be true, is uncertain ; but the former is apparently false, by the Proceedings of that Parliament given before. It is said further, ' That the Queen, who was as intent to save *Somerſet*, as his Enemies to deſtroy him, had ſo contrived Matters, that nothing ſhould be done againſt him ; for the King, being ſomewhat recovered from his Illneſs, and come well to his Senſes, ſhe cauſed him, tho' very weak, to be carried to the Houſes, and there to diſſolve the Parliament, ſo that nothing was determined in the Matter.' It is not poſſible to ſuppoſe that the careful *Abridger* of the Parliamentary Records, would have overlooked this laſt Circumſtance ; and, therefore, ſince he has taken no Notice of it, we may well ſuppoſe it as erroneous as the former. Inſtead of that, *Edmond* Duke of *Somerſet* is the ſecond Perſon, on the Liſt of the Peers, ſummoned to this Parliament ; and he was ordered to be paid a very large Sum, due to him, for Fees, Wages, &c. whiſt he was Governor of *Calais*, by Conſent of both Houſes.

It is certain, however, that the Duke of *York*, finding he could not get *Somerſet* removed from the King's, or rather the Queen's, Protection, which probably he was not ſorry for, rais'd another Army and encamped with it near *St. Albans*. The King and his Courtiers were as ready to oppoſe him, and a Battle was fought near that Town, *May 23, Anno 1455*, in which the Duke was victorious ; and the Duke of *Somerſet*, the Earls of *Northumberland* and *Stafford*, *John Lord Clifford*, with many others, Perſons of Note, and about 800 common Men, were ſlain ; and what rendred this Victory more compleat, the King himſelf was taken Priſoner.

The Duke of York, raises an Army ; and takes the King Priſoner.

The Duke of *York*, and the Lords his Confederates, carried the King with them to *St. Albans*, and paid him

S 3

J. Stowe has given us the Articles, which, he ſays, the Duke of *York* exhibited againſt the Duke of *Somerſet* in Parliament ; but they are very trifling and insignificant. *Chron. P. 393.*

By two Inſtruments in the *Public Acts*, we find, that the Dukes of *York* and *Somerſet* were bound to each other in the Sum of 20,000 Marks, to refer their Differences to the Arbitration of the Archbiſhop of *Canterbury*, and ſeven other Biſhops and Noblemen, there named. *Fæd. Ang. Tom. XI. P. 362, 363.*

King Henry VI. him all the Honour and Reverence due to his Dignity. They besought him, on their Knees, to forgive the Action of that Day, and accept them for his loyal Subjects. For now the Duke of *Somerſet*, the common Enemy of the Nation, and the Cause of this Commotion, being dead, he, and all his Adherents, would remain, during their Lives, his faithful and obedient Subjects ; and that he ſhould find, that the Deſtruction of *Somerſet* was his own Preſervation.

With ſuch artful Speeches they amused the poor King, who ſeemed well ſatisfied with their Actions. After which the confederate Lords ſpent their *Whitſun-tide* together at *London* ; where it was reſolved to call a Parliament, to ſettle and compoſe Things for the general Good of the Nation. Writs were accordingly iſſued out for ſummoning a Parliament, dated *May* 26, at *Westmiſter*, to meet at the ſame Place on the 9th Day of *July* following. It is to be noted, that no Peers of either Side of the Queſtion were omitted in the Summons ; this Liſt being conformable to the laſt, except in the Names of the Peers ſlain in the laſt Battle (q).

Anno Regni 33.
1455.
At *Westmiſter*.

Our *Abridger of the Records* begins his Account of this Parliament in this Manner : ‘ In the Preſence of the King, ſitting in his Chair of Eſtate, and of the Lords and Commons, *Thomas* (r) Archbiſhop of *Canterbury* and Chancellor of *England*, declared the Cauſe of the Parliament, and took for his Theme, &c. *Other Report there is none*. Wherefore the Chancellor willed the Commons to chuſe their Speaker, and the next Day to preſent him to the King. And farther ſhewed to them, that the King’s Pleaſure was, that all Eſtates ſhould enjoy their Liberties.’

It was not till the next Day of the Seſſion, that the Chancellor cauſed certain Articles to be read before the Houſes containing the Cauſe of the Summons, which were divided as follows :

First, to take Order for the Expences of the King’s Houſhold.—For the due Payment of the Garrifon at *Calais*, and the Marches there.—To provide for keeping

(q) DUGDALE’s *Summons to Parliament*, Anno Regni 33.
(r) *Thomas Bourchier*. LE NEVE’s *Faſti Ecc. Ang.*

keeping the Seas against any Invasion of the *French*; King Henry VI^r particularly, to guard against the *Scots*, who had besieged *Berwick*, notwithstanding the Truce.——To appoint how and what Time the 13,000 Archers, granted last Parliament, should be employed.——To procure a perfect Accord and Unity amongst the Lords.——To restrain the carrying out of Gold and Silver Coin.——To provide for better keeping of the Seas.——To take Precaution that the Peace may be kept in *Wales*.——To every one of which Articles, a Committee of certain Bishops and Lords were, severally, appointed.

The Day after, the Commons presented Sir *John Wenlock* to the King, as their Speaker; who, with the usual Ceremony, was allowed. The same Day a long Conveyance, or Charter, made by the King, whereby he acquitteth *Richard* Duke of *York*, *Richard* Earl of *Warwick*, and *Richard* Earl of *Salisbury*, of any disloyal Practices, and taketh them to be his good and faithful Subjects, was read and confirmed by Parliament. In which it is remarked, that *Edmund* late Duke of *Somerset*, *Thomas Thorp* (s), and *William Joseph* Esqrs. by their false Dealings, had caused the King to think the contrary of these Lords, and raise a great Power against the Duke and them.

Sir John Wenlock chosen Speaker.

Then some Letters were read, wrote by the Duke of *York*, and sent to the Archbishop of *Canterbury*, Chancellor of *England*, dated from *Royston*, in *May* last, concerning his coming with an armed Force to meet the King, in order to redress the Grievances he had complained of: One of these was also signed by the Earls and Lords that accompanied him, and expressed their great Obedience and Submission to his Majesty. But, these Letters, it seems, were kept from the King's Knowledge, by the Duke of *Somerset*, and others, until such Time as the said Duke of *York*, &c. met with the King at *St. Albans*, last *May*, in order to have spoke with him; but that the Duke of *Somerset*, and others, did resist them with a great Number of armed Men,

S 4

in

(s) *Thorp* was a Baron of the *Exchequer*; and *Joseph* is called by *Stowe*, for what Reason we know not, the King's Collateral Companion. *Stowe's Chron.* P. 400.

King Henry VI. in which Conflict the said Duke of *Somerset* was slain. Lastly, it was urged, that the Duke of *York* and his Allies, waited on his Majesty very civilly, and made their humble Obedience to him after the Battle.

The Duke of York and his Confederates declared innocent.

Upon which the Duke of *York*, and all his Accomplishes, were acquitted of coming with him to the said Conflict or Battle, and of any Harm done at it. This was confirmed by the King, and the general Consent of both the Houses, and ordered to be enrolled, *July 23*, in the 33d Year of his Reign. All the Bishops and Lords were sworn to be true to the King, in open Parliament, tho' none of their Names are, as usual, entered upon the Record. The same Order was taken for all other Lords that should come to Parliament, to take the like Oaths.

At the Request of the Earls of *Salisbury*, *Shrewsbury*, and *Worcester*, and of the Lord *Stourton*, who were made Guardians of the Seas, by the last Parliament, they were discharged from that Office. And, *July 31*, the Archbishop of *Canterbury*, as Chancellor, in the King's Presence prorogued the Parliament from the same Day and Place to the 12th Day of *November* ensuing, at *Westminster*; after a general Pardon had been granted by the King, and confirmed by their Authority, for all Treasons, Felonies, Contempts, Trespases, &c.

This is a pretty long Prorogation; and as to what was done in the Interval, History being silent, we may conclude, that every Thing still continued in a seeming amicable Way. At the Time appointed, the two Houses met again; but here, it seems, the King was absent, for his Letters Patents were read the first Day, constituting *Richard* Duke of *York* to preside in this Session; which Commission was read publickly, first before the Lords, and next before the Commons (t).

November

(t) The Preamble to this Instrument is in these Words:

HENRICUS, &c. Sciatis quod cum Nos, undecimo Die Novembris ultimo præterito, de Assensu Consilii nostri, pro eo quod nos Parlamento nostro, quod nono Die Julii ultimo præterito apud Palatium nostrum Westmonasterii tenuimus, & tricesimo primo Julii tunc proximo sequente usque ad duodecesimum Diem Novembris ultimo præteritum ad Palatium nostrum prædictum prorogavimus & adjornavimus, ob certas justas & rationabiles Causas in Persona nostra interesse non possumus;

De

November 13th, a Member of the House of Commons, whom the *Abridger of the Records* calls, only, by the single Name of *Burley*, with others, were appointed a Committee from that Body, to go to the Lords, and require that the Duke of *York*, and the Lords, might move the King to appoint an able Protector and Defender of the Realm, *since he would not himself, attend the publick Service*, and that the Commons might be made acquainted with his Person and Character.

The next Day the said *Burley*, and others of the Commons, came again before the Lords and renewed their Suit about the Protectorship; as they did the Day after. Upon this, the Lords held a Consultation on the Affair, when it was resolved, that the Duke of *York* was the most worthy for the Office; and therefore a Request was made to the said Duke by the whole House, that he would take upon him the said Protectorship, according to the Precedents used before on the like Occasion; the Duke excused himself from accepting the Office, but desired Respite to consider of it.

This Consideration took up but a very little Time; for, the next Day, *Burley* and the rest coming, as before, to the Lords, again repeated their Desire. To which the Lord Chancellor answered, that the King, with the Assent of the Lords, had requested the Duke of *York* to be *Protector* and Defender of the Realm. The Duke accepted of it, and made the same Protestation and Demand, as he did in the last Parliament, and had the same Answer. And, after the said Duke had had some Conference with a Committee of the Peers, appointed for that Purpose, it was agreed, that he should have, yearly, towards his Charges four thousand Marks. Only, he desired that it might be recorded, he sought not this Honour himself, but had it laid upon him by them (u).

The Duke again appointed Protector.

But

De Circumspectione & Industria carissimi Consanguinei nostri Ricardi Ducis Eborum, &c.

Dated Nov. 12, Anno Regni 34. Fæd. Ang. Tom. XI. P. 370.

(u) The Preamble to this Commission is still more remarkable than the former.

Rex, &c. Cum Communitas Regni nostri Angliæ in præsentî Parlamento

King Henry VI.

But soon re-
mov'd.

But this great Power, we suppose, was thought too dangerous, to remain long in the Duke's Possession; for a small Time after, before this Parliament broke up, the King came in Person to the House; and, as well by his Letters Patents, in the Nature of a Writ directed to *Richard Duke of York*, as by the whole Consent of the said Parliament, revoked and repealed the Power of Protector and Defender, and chief Counsellor, before committed to the said Duke (x). And, at the same time the King committed the whole Estate, Affairs, and Governance of the Realm, to the Lords of his Council. Only, for Matters concerning his Person, they were not to proceed without making him privy to it.

In this Parliament, the King, by several Letters Patents, confirmed to his young Son, *Edward Prince of Wales*, and his Heirs, Kings of *England*, his Creation of the Principality and Earldom of *Chester*, with all the particular Dominions and Hereditaments belonging to the said Honours. And, as it is recited, because the said Prince, the King's first-born Son, on the Day of his Birth is, and ought to be Duke of *Cornwal*, the King delivered up the same to him, and all other Hereditaments belonging

mento nostro existens nobis sæpius humillime supplicaverit & instanter persuaserit, ob reprimendas Insolentias, Rebelliones, Murdra & Riotas quæ indies diversis ejusdem Regni Partibus attemptantur & committuntur, & ob bonum publicum Tuitionemque ejusdem Regni ac Pacis nostræ, nec non Tranquilitatis Subditorum nostrorum Conservationem, inclinare & consentire velimus Personam aliquam potentem & idoneum PROTECTOREM & DEFENSOREM Regni nostri prædicti constituere & ordinare, cujus Sapientia & Industria, Potentia & Juuamine, Regni Negotia melius, tutius & felicius dirigi & expedire valeant;

Nos, Petitionem Communitatis prædictæ contemplantes, Infirmirateque, qua altissimo Salvatore nostro Personam nostram visitare placuit, Impedimentum præstante quo minus ad actualement Executionem Protectionis & Defensionis Regni nostri prædicti & Ecclesiæ Anglicanæ intendere possimus, & si plurimis vexaremur Negotiis, celerique Sanitati recuperandæ Obstaculum foret, considerata.

De Circumspectione & Industria carissimi Consanguinei nostri Ricardi, Ducis Eborum, &c.

A Clause is added, that this Grant shall be void, as soon as *Edward* his Son shall arrive at Years of Discretion. Dated at *Westminster*, Nov. 19. By Authority of Parliament.

Fœd. Ang. Tom. XI. Pag. 369, 370.

(x) This Instrument is dated *Feb. 25*. Under it,
Per ipsum Regem & Consilium in Parlamento. Ibid. P. 373.

belonging to that Dukedom. Also, it was ordained, King Henry VI. that the said Prince shall be at Diet, and live in the King's Court unto the Age of fourteen Years; for the which Diet, the King shall yearly take all the Revenues and Profits of the said Principality, Earldom, and Dutchy of the said Prince, until the said Prince come to the Age of fourteen Years. Allowing yearly, towards his Wardrobe and Servants Wages 10,000*l.* unto the Age of eight Years; and from that to fourteen Years 20,000 Marks yearly, with several other Provisions there expressed, which were all confirmed by Parliament (y).

At the Request of the Mayor and Company of the Staple at *Calais*, Sir *John Cheyney* Knt. Victualler of that Town, who by the Appointment of the Council had delivered to the said Mayor and Company certain of their Obligations, to the Sum of 2000 Marks, which they lent the said Sir *John*, by Consent of Parliament, was acquitted of the same.

The King for 20,000*l.* borrowed of the Merchants of the Staple, by the Assent of Parliament, granted to them the Repayment of the same, out of the Customs and Passage-Dues in the Ports of *Sandwich* and *Southampton*.

A particular Allotment of 3934*l.* 19*s.* 4 $\frac{3}{4}$ *d.* out of divers of the King's Revenues, Customs and Fee-Farms, is allowed, yearly, towards the Charges of the King's Household.

A general Act of Resumption of all Lands, Offices, and Fees, &c. from the first Day of this King's Reign, was passed, with several Provisions made therein.

And, after all this Business was transacted, *Thomas* Archbishop of *Canterbury* and Chancellor of *England*, by the Appointment of the Duke of *York*, the King's Commissioner, in the Presence of the Lords and Commons, prorogued the Parliament from that Day, *December*

(y) Notwithstanding these Royal Donations, Historians stick not to say, that he was not so much as the Queen's Son, but changed in the Cradle. *FABIAN's Chron.* Anno 1453.

HOLLINGSHEAD writes, that it was the Opinion of the common People, perchance untruly, says he, that the King was not able to get a Child. *Chron.* P. 641.

King Henry VI. *cember 14, to the 14th of January next ensuing, at Westminster.*

But tho' we hear no more of a Meeting of this Parliament, yet it is necessary to learn what Historians have collected relating to the Proceedings of it, that the Reader, by comparing them with the foregoing Account, from the Records, may better come at the Source of the Mischiefs, which soon after involved all *England* in Blood and Ruin.

It is said that this Parliament met on the Day appointed, *July, 9th*, in order, indeed, to settle Things according to the Will of the conquering Lords, but under a Pretence of doing all for the public Good (x). Some few Acts were made, more for the Colour of Justice than the common Safety. One was, ' That Servants
' of Persons lately deceased, who have embezzled their
' Master's Goods before the Executors can enter upon
' them, if they are found guilty, shall be attainted of
' Felony. That whereas the Officers of the Exchequer
' were guilty of great Extortion in exacting Fees of the
' People, it was stinted what Fees should be taken by
' them in the several Causes, there tried and adjudged.
' That there should be but six common Attorneys in
' the County of *Norfolk*, six in *Suffolk*, and two in
' *Norwich*; because it was found by Experience that the
' Multitude of Attorneys in those Counties stirred up
' and procured many Suits at Law, for small Trepasses,
' little Offences and small Debts (a). These Acts were
passed and published, to let People see what a Reformation they might expect, if the popular Lords had the Rule. But, (adds our Authority) they served but, as a curious Prologue to what followed, and was chiefly, intended, *viz*, the following Votes and Resolutions;

Resolutions
against the Queen,
&c.

' First, That the Government, as it was managed
' by the Queen, Duke of *Somerset*, and their Friends
' had been of late a great Injustice and Oppression to
' the People.

' That the King, who was himself a pious and good
' Prince

(x) *Sam. Daniel by Kennet P. 412.*

(a) See *Statutes at large, Anno 33. Henry VI. Chap. 1, 3, 7.*

Prince, had been abused by those who counselled and King Henry VI. advised him, to his great Dishonour.

That the Duke of *Glocester*, whose Memory had been stained with a Charge of Treason and Rebellion since his Death, was a true and faithful Subject both to the King and Realm.

That all manner of Alienations and Gifts of the Revenues and Lands of the Crown, whether made by the King himself, or Parliament, from the first Year of his Reign, should be revoked, and the said Lands and Revenues resumed and taken into the King's Hands (b).

That no Person, or Persons, should judge or report that the Duke of *York*, with the Earls of *Salisbury* and *Warwick*, were guilty of Rebellion or Treason, in coming against the King in a warlike Manner to *St. Albans*, since the Action was necessary, and taken in Hand to free the King from Captivity, and bring Peace and Safety to the Nation; but all the Blame was to be laid on the Duke of *Somerset*, Lord Chief Baron *Thorpe* and *William Joseph*, Esq; who out of a malicious and evil Design, kept a Letter sent by the Lords from the King's Knowledge; which, if it had been delivered to the King's Majesty, would have taken away the Cause of these Disorders (c).

By these Votes and Acts, (adds our Authority) they made Way for the Resolution, which was the main Drift of all; by which it was appointed, that the Duke of *York*, should be *Protector* of the Realm, and the Earl of *Salisbury* Lord Chancellor, and the Earl of *Warwick* Governor of *Calais* and the Territories thereunto belonging. So that all Authority, Civil and Military, was

(b) *Hollingshead*, P. 644. *Rapin* P. 580.

(c) The Purport of the Letter was this: That as faithful and humble Subjects, they required only that it would please the King, whose Honour, Health, Surety and Preservation, they chiefly wished, not to give Credit to their Adversaries malicious Suggestions, till their coming to his Presence; unto which they humbly besought him, that they might be admitted as his faithful Liege People, to shew the Intent and Purpose of their coming; which was to no other End than to declare their Fidelity and Allegiance towards his most Royal Person; intending to put themselves with much Diligence and Labour, to procure him as much Honour, Health, and Safeguard as any Subject living.

HALL's Chron. P. 644.

King Henry VI. was in a manner, put into the Hand, of the Confederate Lords, who made a kind of a Triumvirate, and *Henry* had only his Title of King, without any other Power. Under this Establishment, the Lords were very careful to administer Justice impartially; to avoid Delays of Suits, and to punish Bribery; in order to ingratiate themselves with the People.

An Historian remarks, that they had no mind to destroy the King, lest they should, suddenly, provoke the Fury of the common People against them; amongst which simple Sort, adds he, for his Holiness of Life, and abundant Clemency, he was much favoured and esteemed (*d*).

Thus far our Historians; whose Account, if compared with the Records, is somewhat contradictory, tho' the main System of this Demi-Revolution, seems to be set in a true Light. But, this exalted Power, so snatched as it was, continued on its Basis, but for a small Time, for the Queen soon found Means to overturn it. Notwithstanding the Loss of the Duke of *Somerſet*, and others, in the Battle at *St. Albans*, she had then several very eminent Lords in her Interest; and, being a Lady of a masculine Spirit, she was not afraid to undertake any Thing to keep up the Dignity of her Husband's Crown. It is probable, that she caused the King to revoke the Grant of the Protectorship to the Duke of *York*, in the last Session of Parliament, before it was prorogued; as it is particularly mentioned in the Records, tho' all our Historians are silent about that, and, only say, that the Duke and the Earl of *Salisbury* were displaced from their great Offices, by an express Order, under the Great Seal, some Time after the Parliament broke up (*e*).

It is not in the Compass of these Enquiries to trace the Beginning, or Progress, of these intestine Troubles, any further than the Parliament of *England* was concerned in them; some necessary Connections being allowed. The Queen and her Party being again restored to the Government, kept their Ground for some Time;

(*d*) *Hall's Chron.* Fol. CLXIX.

(*e*) It was done by Act of general Council, called for that purpose to *Greenwich*. *Holingshead.* P. 646.

Time; tho' the discontented Lords watched all Opportunities to dislodge them. Some Tumults and Skirmishes happened betwixt the two Parties, and another general Battle was dreaded; to prevent which, the pious King and his Bishops interfered, and Terms of Accommodation were offered to reconcile them. A grand Meeting of the Heads of both Parties appeared at *London*, with numerous Retinues of armed Followers (*f*); and there, Sword-in-Hand, as it were, a seeming Reconciliation was effected, the Terms of which are contained in eight Articles. Which Award, or Agreement, was sealed with the Great Seal, in the King's Palace at *Westminster*, March 24, 1458. and the thirty sixth of his Reign (*g*).

King Henry VI.

An Agreement between the Queen's Party, and the Confederate Lords.

And, on the Day of Publication, a solemn Procession was made to *St. Paul's Church*; the King in his Royal Robes, and the Duke of *York* leading the Queen, before whom marched the Duke of *Somerſet*, and the Earl of *Salisbury*, the Duke of *Exeter*, and the Earl of *Warwick*, with the rest of the Lords, thus coupled, attending (*h*).

Affairs continued in a peaceable Manner, after this, but a very short Time; for the ſame Year, a Fray happening near the King's Palace at *Westminster*, between a Servant of the King's and ſome of the Earl of *Warwick's*, the Quarrel run ſo high, that, many joining on each Side, the Earl himſelf had like to have been ſlain, who came to appeaſe it. The Earl taking this as a Deſign of the Queen's, to murder him, and fearing worſe might happen, he haſtned down to *York*, where meeting the Duke and his Father, they ſoon concerted Meaſures together to begin a new Commotion.

The Civil War was, again, entered into with great Briskneſs on both Sides; but Fortune did not favour the Duke of *York* and his Party in this ſecond Attempt; for when the two Armies were come ſo near that a Battle

But the Quarrel ſoon renew'd.

(*f*) *Fabian* has left us an Account how and where, the Lords of both Parties were lodged in the City and Suburbs. That ſome had 600 armed Men, ſome 900, and none leſs than 400, in their Retinues. So that the Mayor was obliged to keep a ſtrong and diligent Watch, Night and Day, to prevent Tumults.

Chron. Anno 1458.

(*g*) See the Form of this Award in *Hollingshead*, P. 647. and the other *Engliſh Chronicles*, *Sub hoc Anno*.

(*h*) *Hollingshead*, P. 648.

King Henry VI. He was expected, the King's Proclamation of a general Pardon, for past Offences, caused most of the Duke's Followers to throw down their Arms, and accept it; and their Leaders were forced to fly into different Countries for Protection.

The King gains a Victory.

Henry having thus got a Victory, without Bloodshed, came to *Coventry*; where he had summoned a Parliament to meet on the 20th of *November* by Writs dated at *Leominster*, or *Lempster*, the 9th of *October* foregoing. It appears by the List of the Lords, called to this Parliament, that it was wholly made up of those who were staunch Friends to the House of *Lancaster*; tho' the Archbishops, Bishops, &c. were summoned as usual (i).

Anno Regni 38.
1460.
At Coventry.

On the Day of their Meeting, the King sitting in his Chair of State, in the *Chapter-House*, belonging to the Priory of our Lady at *Coventry*, the Lords and Commons being, also, present, *William* (k), Bishop of *Winchester*, then Chancellor of *England*, made a notable Declaration, (says our Authority) why this Parliament was called. But gives us no more of it, than that he willed the Commons to choose their Speaker, and present him the next Day to the King. Accordingly, the Commons presented *Thomas Tresham*, Esq; whose Excuse being rejected, with the common Protestation, he was allowed.

Thomas Tresham, Esq; chosen Speaker.

The Duke of York, &c. attainted.

The first Thing this Parliament went upon, was to bring in, and pass a Bill of Attainder against *Richard Duke of York*, and others, his Accomplices. The Instrument is very long, and contains, amongst other Matters, the following Charges.

First, 'A Commemoration of the King's great Care in bringing the said Duke up from a Child; and the many Kindnesses and Honours, he had bestowed upon him. Next, the Confederation of the said Duke with *Jack Cade*, to get himself advanced to the Crown. The Duke's coming out of *Ireland* with Forces, even, into the King's Court and Presence. His Practices to be Protector. His Intent to have raised an Army against

(i) DUGDALE's *Summons to Parliament*, Anno 38. Henry VI. *Fabian* calls this Meeting a Parliament or a great Council. *Chron.* 1459. 60.

(k) *William Waynesflete*. LE NEVE's *Fast Ecc. Ang.*

' against the King at *Dartford* in *Kent*. The Duke's King Henry VI.
 ' Submission and Oath to the King in *Paul's*, after
 ' the same. The Duke's Oath at large. His Con- The Articles a-
 ' federacy with the Earls of *Warwick* and *Salisbury*. gainst him.
 ' A Rehearsal of the King's fundry Favours and
 ' Benefits conferred on the said two Earls. The
 ' King's Pardon granted to the said Duke and Earls,
 ' and their Promises of due Obedience, with a Renu-
 ' meration of divers Benefits bestowed upon them
 ' after. The Ambition of the said Duke and Earls;
 ' their new Oaths and Promises made to the King;
 ' their Policy in not coming to the Council; and
 ' their Readiness in getting together from a great
 ' Distance. The Expedition of the Earl of *Salis-*
 ' *bury*, with *Thomas* and *John Nevile*, Knights, Sons
 ' to the said Earl; *Thomas Parkin*, *William Stanley*,
 ' Esqrs. Sons to *Thomas Lord Stanley*; and *Thomas*
 ' *Oringe* of *Tongue* in the County of *York*, with 500
 ' Men and Banners displayed at *Bloreheath*, on the
 ' Feast of *St. Matthew*, *Anno Regni* 37. *James Lord*
 ' *Audley* slain at the Battle of *Bloreheath*, in *Staf-*
 ' *fordshire* (1), by the said Earl; and *John Lord*
 ' *Dudley*, with several others taken Prisoners. The
 ' King's pursuing them for the Space of 30 Days
 ' and Nights; the King's Pardon offered to them,
 ' and their Refusal. The Assembly of the said Duke
 ' with *Edward* Earl of *March*, *Richard* Earl of
 ' *Warwick*, *Richard* Earl of *Salisbury*, *Edmund*
 ' Earl of *Rutland*, *John Lord Clinton*, *John Wen-*
 ' *lock*, *James Pickering*, *John Coniers* and *Thomas*
 ' *Parr*, Knights; *John Bouchier* and *Edward*
 ' *Bouchier* Esquires, Nephews to the said Duke;
 ' *Thomas Colt* of *London* Gentleman, *John Clay* of
 ' *Cheshunt* in *Hertfordshire*, *Roger Egerton* of
 ' *Shrewsbury*, and *Robert Bold*, Brother to *Sir Henry*
 ' *Bold*, Esquires; who, with many others, pitched
 ' their Field near *Ludlow* in the County of *Here-*
 ' *ford*, on *Friday*, the Vigil of the Translation of
 ' *St. Edward*, *Anno Regni* 38. That the Duke
 ' made a Pretence to the Army that the King was
 ' dead,

VOL. II.

T

' dead,

(1) Near *Drayton*, Sept. 23, 1460.

King Henry VI. ' dead, for whose Soul Mass was said publickly in
 ' the said Duke's Camp. The King's Expectation
 ' of the Duke, and the Duke's ranging his Army in
 ' Battle Array, fortifying the Ground with Carts,
 ' placing Guns between them; an Ambush laid,
 ' and his Intention to have suddenly surpris'd the
 ' King's Forces. The Departure of the said Duke
 ' and Earls out of the Field, about Midnight, under
 ' Colour to repose themselves at *Ludlow*; and their
 ' Flight into *Wales*, because that their Army faint-
 ' ed and submitted themselves to the King, who
 ' granted them Pardon.'

Wherefore, for these and many other Causes, the said Duke, Earls, and others, were attainted of Treason by Parliament, and voted Traitors to the King and Kingdom; *Alice* the Wife of *Richard* Earl of *Salisbury* (m), *Sir William Oldball*, Knt. and *Thomas Vaughan*, of *London*, Esq; were, at the same time attainted as Traitors, for procuring and aiding the Treasons aforesaid. And all and singular Hereditaments, &c. of the said Duke, and others, attainted, in Fee or Fee-Tail, were adjudged to be forfeited to the Crown; and their Heirs disinherited to the Ninth Generation (n).

Richard Gray Lord *Powis*, *Sir Henry Radford* Knt. and *Walter Devereux* Esq; were pardoned their Lives, for being in the Field with the Duke at *Ludlow*; but their Hereditaments, and other Profits, were forfeited as before.

It was enacted, ' That all Letters Patents and
 ' Grants of any Office to any Person that was a-
 ' gainst the King in the Fields of *St. Albans*,
 ' *Bloreheath*, and *Ludlow*, shall be void; and that
 ' all Grants made by *Richard* Duke of *York*, or
 ' by the Earls of *Salisbury* and *Warwick* to any
 ' Persons, being in those Fields against the King,
 ' be also, void. But that all Grants made by the
 ' King to Persons with him in the said Fields, may
 ' stand good; some Proviso's excepted.'

At

(m) He was Earl of *Salisbury* in Right of his Wife, who was Daughter and Heir to *Thomas de Montacute*, the last Earl of that Name. *DUGDALE's Baronage*, Part 1. Pag. 302.

(n) *HOLLINGSHEAD*, p. 652. *DANIEL in KENNET*. p. 420.

At the Request of the House of Commons, ^{King Henry VI.} *Walter Hopton, Roger Kenistone, Fulk Stafford, William Hastings* Son to Sir *Leonard Hastings*, Knt. and *William Bowes*, Esquires, for being in the Field against the King at *Ludlow*, paid their Fines, and were pardoned. At the same time the Commons accused the Lord *Stanley*, in sundry Particulars, of being in Confederacy with the Duke of *York*; and pray'd, that he may be committed to Prison. *Answer*, The King will be advised.

After which a very solemn Oath was framed, which all the Bishops and Lords, there named, did take, subscribe and seal, on the 11th Day of *December* in full Parliament. ^{A solemn Oath taken to Henry.}

The more private Transactions of this Parliament, on the Record, are these;

The King, by the Authority aforesaid, gave to the Queen the Manor of *Corsham*, with the Appurtenances in *Wilts*, and 20*l.* yearly, out of the Aulnage of Cloth in *London*, in Exchange for the Manor of *Havering-Bower* in *Essex*.

All such Manors and other Hereditaments of the Dutchy of *Lancaster*, as are comprised in an Article made 23 *Henry VI.* which with other Hereditaments of the said Dutchy, were granted to *Thomas* Archbishop of *Canterbury*, and to several other Feoffees in Trust, for the Performance of the King's last Will, were commanded to pass under the Great Seal, and were confirmed by Parliament.

Edward Prince of *Wales*, by his Petition, reciteth the Erection, Donation and Annexing of the Dutchy of *Cornwal*, with all the Hereditaments and Liberties belonging to the same, granted by Parliament; and several other Patents granted the 11th of *Edward III.* were also recited at large; whereupon the said Prince required, that he may enjoy the same accordingly; and, amongst other Things, that all such Tenants, as hold of the said Dutchy, in chief, may therefore sue Livery out of the said Duke's Hand, although they hold other-

King Henry VI. ways of the King in Chief; and that he may freely enjoy the said Dutchy, with all the Revenues and Liberties of the same, as it ought to be, notwithstanding a Statute, made *Anno 33 Henry VI.* all which were granted, by common Consent, with certain Proviso's and Exceptions.

The King's Letters Patents were confirmed, by this Parliament, to the Provost and Scholars of the College of *Eaton*, and as well all and singular his Grants, as all other Men's Grants made to the said Provost and Scholars. The same Confirmation was made to the Provost and Scholars of *King's-College, Cambridge*; with a Provision for a College called *Pembroke-Hall*, in that University. Likewise the Royal Foundation and Donation of the Priory of *Syon*, erected by King *Henry V.* was confirmed by the whole Assent of Parliament.

The Commons exhibited a Complaint against twenty-five Knights and Esquires, by Name, of several Counties, for their manifold Robberies, Rapes, and Executions; against which strict Orders were taken to cause them to answer for the same.

It was enacted, 'That all Letters Patents made to any Person or Persons, of the Offices of Sheriffs or Escheators for Life, within the Counties of *Chester* and *Flint*, be utterly void; except certain Persons there named.'

A strange Act in favour of the Prerogative.

Lastly, and what is very remarkable, 'An Act was passed, that all such Knights of any County, as were returned to this Parliament by vertue of the King's Letters, without any other Election, should be valid; and that no Sheriff, for returning them, shall incur the Penalty of the Statute made *Anno 23 Henry VI.*'

After all which, on the 25th Day of *December*, says *The Abridgement*, the Chancellor, in the Presence of the King and the three Estates, and by his Majesty's Command, after giving Thanks to the whole Body, dissolved this Parliament.

These

These were the Transactions of this extraordinary Parliament, extracted from the Records; of which our Historians are, almost, altogether silent; nor is there any Mention of it in the *Statutes at large*, except, that we find an Act was made, in the next, to repeal and abolish all the Proceedings of this Parliament at *Coventry*. It is very remarkable, however, what one cotemporary Historian hath left us concerning King *Henry's* Conduct on the Bill of Attainder; he writes, 'That when the Clerk of Parliament had read the Statute to the Lords, the King's Modesty and Love for Mercy was so great, that he caused a Proviso to be inserted and added to the Bill, *That it might be lawful to him, at all Times, fully, without Authority of any other Parliament, to pardon the said Noblemen, and restore them again to their former Estates, Degrees, and Dignities; if, with a Spirit of Humility, they came to beseech his Grace and Favour (o).*'

But, not long after their Rising, Affairs had a new Turn; and the Partizans of the House of *York* overthrew all the Measures that had been taken against them. A Battle was fought near *Northampton*, with great Obstinacy on both Sides; till at length the Victory fell to the young Earl of *March*, eldest Son to the Duke of *York*, who, in his Father's Absence in *Ireland*, was General in Chief. Ten Thousand of the King's Forces were slain; amongst whom were these Men of Note, *Humphrey* Duke of *Buckingham*, *John Talbot* Earl of *Shrewsbury*, *Thomas* Lord *Egremont*, *John* Viscount *Beaumont* and Sir *William* *Lacy*. The King himself was, again, taken Prisoner in his Tent; whilst the Queen, with the young Prince *Edward* her Son, and the Duke of *Somerset*, fled as far as the Bishoprick of *Durham*, before they thought themselves safe from the Pursuers. This Battle was fought July 6, 1461.

The victorious Lords having the King once more

T 3

(o) J. WHETHAMSTEAD, Abbot of St. *Albans*.

294 *The Parliamentary* HISTORY

King Henry VI. more in their Power, and ruling all Things, almost at their own Pleasure, proceeded vigorously in the Execution of their Designs. To that End, they summoned a Parliament to meet at *Westminster*, on the 7th of *October*; the Writs bearing Date at the same Place, *July* the 30th, *Anno Regni* 39.

There is a Mistake of a Year in the Date of *Dugdale's* Summons to this Parliament, in which the Abridgment of the Records is right. But then, the former has given the Names of all the Spiritual and Temporal Lords, &c, which are wholly omitted in the other; in which we remark, that the Summons was general; for all the Peers, which were left alive, of both Parties, were called to it, without any Exception. And there is nothing in the Body of the Writ which is contrary to the usual Form; the first of those to the Lay-Lords, was directed to *Richard* Duke of *York* in the same Stile as before (*p*).

Anno Regni, 39.
1461.
At Westminster. In the Presence of the King, sitting in his Chair of State, in the *Painted Chamber*, within the Palace at *Westminster*, and of the Lords and Commons, *George* Bishop of *Exeter* (*q*), then Chancellor of *England*, made a notable Declaration, taking for his Theme, *Congregate Populum, & Sanctificate Ecclesiam*, Joel 2. At the Conclusion of which, the Commons were desired to chuse their Speaker, and present him to the King. The next Day the Commons made a Declaration to the Chancellor, that they had made choice of a Speaker; and, on the fourth Day of this Session, they presented *John Green*, Esq; whose Excuse being refused, he was admitted as usual.

John Green, Esq;
chosen Speaker.

The first Thing this Parliament went upon, was to pass an Act to repeal the last, held at *Coventry*, *November* 20th, *Anno* 38 *Henry* VI. and that

(*p*) *Rex charissimo Consanguineo suo Ricardo Duci Ebor, &c.*
DUGDALE's Summons, *Anno Regni* 38.

(*q*) *George Nevile*, Son to the Earl of *Salisbury*, and Brother to the famous Earl of *Warwick*, afterwards translated to *York*.
LE NEVE, &c.

that all Acts, Statutes, and Ordinances, made by King Henry VI. the Authority of the said Parliament, shall be reversed. For which this Reason is assigned, *Because that Parliament was unlawfully summoned, and the Knights and Burgeses not Duely chosen* (r). All the Acts of the late Parliament at Coventry repeal'd.

The Reader may observe, by a Paragraph in the Account of the last Parliament, that the King was obliged to get the Sanction of the Houses to gloss over an undue Practice, in the Return of Knights of the Shires for that Parliament. It is probable that *Henry's* Credit was then at so low an Ebb, that he durst not trust the Country, on such an important Occasion; and therefore, summoned the Knights by Letters, expressly, from himself. This unwarrantable Proceeding must be the first, that the Duke of *York* and his Party would take hold of, to cassate and annul that terrible Bill of Attainder which was carried against them in that Parliament. And, so effectually they did it, that the Acts and Statutes of the Parliament at *Coventry*, have no Place nor Mention in our Statute-Books, except in the Repeal as is said before (s).

And now we begin with the first Time that *Richard* Duke of *York* made his publick Claim to the Crown of *England*, in the Face of an *English* Parliament. It has been many times hinted at before, in the Progress of these Enquiries, that his sole Aim was to gain the Diadem; notwithstanding the many specious Pretences of raising Armies to reform Grievances, in order to hide his real Design. As this is a Criterion of Time, very remarkable in *English* History, and the Duke of *York's* Claim made valid, or disputed, by Writers of different Sentiments; we shall first give what Sir *Robert Cotton* hath extracted from the Records;

The Duke of York's Claim to the Crown; according to the Records.

T 4

and

(r) See Statutes at Large, Anno 39 Henry VI. Cap. 1.

(s) In the *Public Acts* is a Mandamus sent to the Sheriffs, &c. thro' *England*, commanding them to make Proclamation in their several Divisions, that the Acts, &c. done at *Coventry* are null and void. Dated at *Canterbury*, August 8, 1460, Auctoritate PARLIAMENTI. *Fæd. Ang.* Tom. XI. P. 460.

King Henry VI. and next, what our best Historians have left us about it.

On the 16th Day of *October*, the Council for the Duke of *York* exhibited a Writing to the Lords, in full Parliament, containing the Right and Claim of the said Duke to the Crown of *England*, and Lordship of *Ireland*. The Lords, upon some Consultation amongst themselves, agreed that it should be read, but not to be answered without the King.

The Duke, in his Claim, derived his Pedigree from King *Henry* the Third to King *Edward* the Third, and proved himself descended in a right Line from *Lionel* Duke of *Clarence*, third Son to King *Edward* the Third, by which he avouched himself the undoubted Heir to the Crown before any of the Line of *John* of *Gaunt*, who was, only, the fourth Son to the said King *Edward*.

The Lords, after a long Consultation thought proper to lay this Claim and Title before the King, who desired them to call the Judges, King's Serjeants, and the Attorney-General, to answer the same. But they, well considering the Danger in meddling with this high Affair, utterly refused to be concerned it. Upon which an Order was made, that every Peer might freely and indifferently speak his Mind, without Fear and Impeachment. And, in the End, the following Objections were made to the Duke's Claim.

Objections to his Title.

I. 'The Oaths of all the Lords taken to the King in being, and, particularly the Oath of the Duke himself.'

II. 'The several Acts of Parliament made against the Title of the said Duke.'

III. 'Several Acts of Entail made of the Crown of *England*.'

IV. 'That the Duke, by pretending to draw his Title from *Lionel* Duke of *Clarence*, should rather bear his Arms, than those of *Edmund Langley* Duke of *York*.'

Lastly,

Lastly, ' That at the Time *Henry IV.* took King Henry VI.
' upon him the Crown of *England*, he had the
' same, not as Conqueror, but as right Heir to
' King *Henry the Third.*'

The Answer which *Richard Plantagenet*, commonly called Duke of *York*, gave to the Objections aforesaid, was as follows:

First, ' That no Oath, being the Law of Man, The Duke's Answer.
' ought to be performed or kept, when the same
' tendeth to the Suppression of Truth and Right,
' which is against the Law of God.'

' To the second and third, he knoweth no other Acts of Parliament than one, *Anno I. Henry, IV.*, touching a general Tayl by him a Wrongdoer; for if he had any Right to the same, he neither needed, nor would have made such an Entail.'

' To the fourth, he justly might have born the Arms of the Duke of *Clarence*, and of *England*; only he forbore the same for a Time, as he did his Claim to the Crown.'

' The Fifth, being a manifest, and an approved Untruth, was only a Cloak to shadow the violent Usurpation of *Henry of Derby.*'

After this Answer of the Duke, to the Objections against his Title, was read in the House, the Lords went upon Ways and Means to compromise Matters, and came to this Resolution, *That the King should enjoy the Crown of England, during his Life; and that the Duke and his Heirs should succeed after him.* Which Determination the Chancellor was appointed to declare to the King. And the Duke of *York's* Pedegree and Title being again repeated to him, the King consented to this Award; and it was drawn up in Form following; The Parliament determine him to succeed to the Crown, after Henry's Death.

' First, That the King should, during his Life, enjoy the Crown and Preheminence of the Realm of *England.*

' That the said Duke, the Earl of *March*, and *Edmund* Earl of *Rutland*, his Sons, should be sworn by no means to shorten the Days, or impair the

King Henry VI. ‘ the Sovereignty of the said King, during his
‘ Life.’

‘ That the said Duke, should be from thence-
‘ forth reputed, and stiled, the very Heir apparent
‘ to the Crown aforesaid, and shall enjoy the same
‘ after the Death, or Resignation, of the said King.

‘ That the said Duke, shall have Lands and
‘ Hereditaments allotted to him of the clear yearly
‘ Value of 10,000 Marks; that is, 5000 for him-
‘ self, 3500 for the Earl of *March*, and 1500
‘ Marks for the Earl of *Rutland*.

‘ That the Compassing the Death of the said
‘ Duke shall be Treason.

‘ That all the Bishops and Lords, in full Par-
‘ liament, shall swear to the said Duke and to his
‘ Heirs, in Form aforesaid.

‘ That the said Duke, and his two Sons, shall
‘ swear to defend the Lords on this Agreement.’

The King, on his own free Motion, and Con-
sent of the Lords, agreed to all the Ordinances
aforesaid. And, by the Assent aforesaid, he ut-
terly repealed the said Statute of Entail, made *An-*
no 1, Henry IV. so, always as, hereafter, no better
Title could be proved for the defeating of this Ti-
tle and Act.

After all this, on the Vigil of the Feast of *All*
Saints, the Duke of *York*, and the two Earls, his
Sons, came into the Parliament, before the King
and Lords; and there both promised and swore, to
perform the Award aforesaid; provided, the King,
on his Part, duly performed the same; which the
King, then, also promised to do. All which Pro-
testation the Duke and Earls required to be enrolled.

Then the King, by his Letters Patents, assigned
to the Duke of *York* several Districts and other
Hereditaments in *Wales*, and elsewhere, to the
yearly Value of 10,000 Marks, as aforesaid; in
which Grant are some Proviso's, particularly, for
the Dutchy of *Lancaster*. All this was confirmed
by the full Consent of Parliament; and, an Act
was published ‘ declaring the Duke of *York* to be
‘ right Heir to the Crown; by which, also, a
‘ Power

‘ Power was given him, to ride thro’ the whole Kingdom, for suppressing of all Rebellions and Insurrections ; wherein Commandment is given to all Sheriffs, Officers and Subjects, to obey him as the King, under some Restrictions.’

An Affair or two, of less Consequence, concludes the Business of this Session in the Records.

Whereas for such Hereditaments, of the Dutchy of *Lancaster*, which the King had put under Feoffees in Trust, to the Use of his last Will, there was appointed one chief Steward and Chancellor, one Receiver-General, an Attorney-General with Auditors, with Fees accordingly ; the King by Assent of Parliament, revokes all the said Offices and Fees in the said Grant, so as all the said Premises in Feoffment shall be under the Rule and Government of such Chancellors, and other Officers, as were and had the same, before the said Feoffment was made. And, it was further enacted, ‘ That all the Revenues of the Dutchy of *Lancaster*, as well of Land and Feoffment, as otherways, shall be received by the Receiver-General of the said Dutchy, for two Years, and by him paid over to the Treasurer of *England* ; with other weighty Affairs of the Realm, wherein are contained some principal Provisions for Foreigners, and Officers of the said Dutchy.’ Lastly, ‘ all the Conveyances and Feoffments, in Use for all the Hereditaments, mentioned in the 38 of *Henry VI.* were rehearsed ; and it was enacted that all and singular the Premises shall go only to the Performance of the King’s Will, and not otherwise.’

One only Act, made in this Parliament, is entered at length in our *Statute-Books*, which is ; ‘ That a Woman at fourteen Years of Age, on the Death of her Ancestor, shall have Livery of her Land.’ This Act was passed, says Sir *Robert Cotton*, on the Petition of *John Nevil*, Knt. and *Isabel* his Wife, the Daughter and Heir of *Edmond Goldsthorp*, Knt.

Thus far the Records. We shall next examine how our Historians have treated this important Affair,

King Henry VI. fair of the Succession, which was the greatest that ever came before an *English* Parliament. And first,

The Duke's
Claim, as related
by Historians.

Mr. *Daniel* tells us, that after the victorious Lords, who had now the King in their Power, had caused him to call a Parliament, they sent Messengers, with all speed, to *Ireland*, to inform the Duke of *York* of their Success. Ambition, says our Author, needs no Spurs; the Duke presently embarked himself and his Retinue at *Dublin*, landed at *Chester*, and *October* 10th, made his public Entry into *London*; with Trumpets sounding, a naked Sword born before him, a great Train of armed Men accompanying him; and took up his Lodging in the King's own Palace, and in his own Apartments, the humble King contenting himself with the Queen's Lodgings.

The Parliament had sat three Days before the Duke arrived; and he having passed thro' the City, in the Manner aforesaid, went directly to *Westminster*, into the House of Peers, and placed himself on the King's Seat or Throne; tho' other (t) Historians say, that he did not sit down, but only took hold of the Cloth of State. He stood a while in that Posture, looking upon the Lords stedfastly, as tho' he would read their Countenances, their Thoughts, and Resentment of that Action. At that Instant, *Thomas Bourchier*, Archbishop of *Canterbury*, came from *Henry* into the House, and after making the usual Reverence to the Duke he ask'd him, *Whether he would not go and pay his Respects to the King?* The Duke, at this Question, was observed to change Colour, and then answered him in a Passion, *That he knew none in this Kingdom, to whom he owed that Duty or Honour; but, on the contrary, all Men ow'd it to him; and therefore King Henry ought to come to him.*

The Archbishop, having heard this Reply, went back to the King to let him know it; which the

(t) BIONDI'S *Henry VI.* P. 172.

the Duke perceiving, he rose up and followed him King Henry VI. into the Palace, got Possession of the King's Lodgings, breaking open several Doors and Locks for Entrance. He staid there but a little while, and then returned to the House again, leaving his Servants and chief Attendants to keep them for him. Being, again, seated on the Royal Throne, he boldly made his Demand of the Crown and the regal Authority of *England*, in a Speech for that Purpose.

Hall, in his Chronicle, hath given us a Speech, which he says the Duke of *York* spoke from the Throne, in the House of Peers, when he made his Claim to the Crown at that Time. But, the Substance and Language of it, is so very mean, that it does not deserve our Notice, not even as it is altered by Mr. *Daniel*; especially, when the Claim, hath been much better made out by the Record itself. *Livy* is said to be very remarkable for putting fine Speeches into the Mouths of his Heroes and Senators; but the Non-sense, and Stupidity of this makes it impossible to come from any Body but the Historian himself (*u*). Besides, *John Wethamstead*, Abbot of *St. Albans*, a Cotemporary, and probably, by his Station, in the House of Peers at that Time, makes no mention of any such Speech, in the History he wrote of this Reign; and, particularly, of this Revolution (*x*).

The

(*u*) As an Instance, in the first Paragraph of it, is this remarkable Expression and Metaphor, *This noble Realm, and our natural Country, shall never be unbuckled from her daily Fever, except I, as the principal Physician, and you, as the true and trusty Apothecaries, consult together in making of a Potion, and try out the clean and pure Stuff, from the corrupt and putrified Drugs.*

HALL's Chron. Fol. C.LXXVII.

See *Hollingshead*, also, P. 655.

(*x*) The History of *Croyland*, near Cotemporary with these Times, seems to say that the Duke of *York* did make his Claim in the House, by Word of Mouth; *Accedens ad Thronum Regis, Sedem illam vendicavit tanquam suam, describens Genealogiam suam lineariter, &c.* HIST. CROYLAND CONTIN. 550.

The

King Henry VI.

The *French* Jesuit, indeed, has put a Speech into the Duke's Mouth, on this Occasion, not unworthy either of the Speaker or the *Author*, for such we suppose him to be; which, since it comes within the Compass of our Design, well deserves a Place in these Enquiries.

It was supposed by the Parliament, says that Historian, that the Duke would now take off the Mask; but they were perfectly convinced of it, by an open Declaration, which he himself made to them, the first Time he entered the House. For, being seated on the Throne, without asking Leave of any one, he spoke as follows; (y)

His Speech to the Parliament.

You all know very well, says he, that the Throne whereon I sit hath been usurped from my Ancestors; and you cannot be ignorant, by what Crimes, those who had it full Sixty Years, have kept Possession of it. Henry the fourth embred his Hands in the Blood of Richard the second; and Henry the fifth destroyed my Father. But, we will spare the Remembrance of these Things, which can only serve to stir up a Breast, disposed to take that Vengeance which I will sacrifice to the Public Good. Whilst the House of Lancaster did no other Hurt, but to me and mine, I thought myself well recompensed by the Honour which accrued to the Nation, in subduing so many great and fine Provinces to the English Scepter. I little regretted the not being a King, whilst you had a Monarch, who well deserved to have been one. But, at this Time, when a weak feeble Heir to that happy Usurpation, keeps from me a Crown, and loses those Conquests which have cost you so much Blood, I should be unworthy of that of so many Kings which runs in my Veins, if, to recover those

The last Act of State which Henry did, or was commanded to do, was to grant a Commission to *Edward* Duke of York, after his Father *Richard* was slain at the Battle of *Wakefield*, for raising Forces to fight against his Queen and Son. Dated Feb. 12, 1461. at *Westminster*. RYMER. Tom. X.

(y) *Pere D'Orleans Hist. de Revol. D'Ang. Tom. II. P. 218. Ed. Paris.*

those Conquests, I do not take the Crown. Aid me King Henry VI. *with your Assistance to support the Weight, and you shall partake with me in the Advantage of it.*

Our Historian goes on, and tells us, that the Countenances of the House, during the Time the Duke was speaking, and their profound Silence at the End of his Harangue, appeared to that Prince a sure Token that the Crown, on *Henry's* Head, was not so loose as he imagined. Greatly chagrined, he left the House very abruptly; and, in a Passion said at his going out, *Think of this Matter. — I have taken my Course, take you yours.*

While these Things were doing, many hot Disputes passed between the Lords Spiritual and Temporal, and the Commons, about the Settlement of the Crown. Some thought it very Debate thereupon unreasonable to call King *Henry's* Title in Question, who had been so long in Possession of the Sovereignty; and so much the rather, because the Duke of *York* himself had, in swearing Allegiance to King *Henry* so often, and declaring him his lawful Sovereign, tied up himself from claiming the Crown, if he had any Right to it. But on the other Side, the Duke of *York's* Friends, which were not a few, argued that the Duke's Title was so clear, and so well known to them all, that it would be the greatest Injustice in the World to deny him his Right; and tho' King *Henry*, it is true, had been long in the Possession of the Throne, yet his Usurpation being so evident, he ought to be as willing to recede from what he was wrongfully possessed of, as they were in Justice bound to declare him deprived. 'Twas true, they said, the Duke of *York* had often sworn Allegiance to King *Henry*, and taken him for his lawful Sovereign, yet he never renounced his Right; and 'twas plain, his Oaths and Promises were out of Fear or Force, and not willingly (x).

Another

(x) Whilst this weighty Affair was debating in the lower House, which was the then Fraternity, as it is called, in the Abby of *Westminster*,

King Henry VI. Another old Historian hath drawn up the Arguments made use of in favour of the reigning King, and the House of *Lancaster*, in a much better Manner; and says, that tho' the Effect of the Duke of *York's* Title, as to the Points of Pedegree, was very true, yet the Friends of King *Henry*, without denying what could not be denied, had somewhat to say for him; and amongst other Things, they alledged (a), ' That *Richard* the
 ' second resigned up his Crown and Regality at
 ' large; and that none else making Claim, but
 ' *Henry* Duke of *Lancaster*, he was thereunto,
 ' by Consent of all the three Estates, admitted.
 ' That *Richard* Earl of *Cambridge* was, for High
 ' Treason attainted and executed, and his Issue
 ' made incapable of any Inheritance; that this
 ' *Richard* his Son, now challenging the Crown
 ' of *England*, being restored by the meer Clemency and Goodness of this King *Henry* the Sixth,
 ' had voluntarily acknowledged him for his lawful
 ' Sovereign, and sworn the same; and that the
 ' said *Richard* was finally, for Treason, attainted and adjudged uninheritable. They alledg'd also several Acts of Parliament made to establish
 ' the Right of the *Lancastrian* Line; the Succession of three *Henrys*, that is to say, the
 ' fourth, fifth, and sixth; the politic Government
 ' of the first of those Kings, the noble Victories of
 ' the second, and the holy Life of the third;
 ' which three King's Lives contained in reigning
 ' near threescore Years, in which Number this
 ' was the 39th of *Henry* the VIth, who was descended from the Uncle; and the Duke of *York*
 ' but from a Female, of which Females none
 ' had ever been in Possession of the Crown. These
 great

minster, a Crown which hung for Ornament from the Roof suddenly fell down; and at the same Time, another Crown, placed for the same Purpose, on *Dover* Castle, fell likewise. These Omens were vulgarly construed, that King *Henry's* Reign was at an End, and that the Crown should be transferred from one Royal Line to another.

(a) *Speed's Chron.*

great and weighty Points, adds our Author, were King Henry VI. considered, and the rather, because that King Henry being at that Time no better than a Prisoner, no Act of his to establish the Title of the House of York, could be so valid as to disinherit his own Son; who was then at Liberty, and with the Queen his Mother, in Arms, ready to free his Father, or hazard the Destruction of the whole English Name. To all these Arguments the Yorkists objected one Rule of Law, which was, *Jura Sanguinis nullo Jure civili dirimi possunt.*

However, the Arguments, *Pro* and *Con*, being thought strong on both Sides, a *Medium* was hit upon, and thought proper by the Lords, in order to avoid a Dispute less amicable. And, on All Saints Day, November 1st, an Award, or Agreement, was settled between these two Princes King Henry and Richard Duke of York, under these Articles (c):

The Lords in Parliament make an Award between the King and the Duke of York.

I. That notwithstanding the clear and undisputable Title of Richard Duke of York, to the Crown of England, as Heir to Lionel Duke of Clarence, the said Duke tenderly desiring the Wealth and Prosperity of this Land, and to lay aside all that may be a Trouble to the same; and considering the long Possession of the said King Henry, who hath all his Time been named, taken, and reputed for King of England, and Lord of Ireland, it is consented, and agreed to, that the said King Henry, shall be taken and reputed King of England, and Lord of Ireland, during his natural Life, and the said Duke shall honour him as his Sovereign Lord.

II. That the said Richard, Duke of York, with his two Sons, Edward Earl of March, and Edmund Earl of Rutland, shall promise and bind themselves by solemn Oaths, neither to do, procure, or suffer any Thing to the Prejudice of the natural Life of King Henry VI. or to the diminishing

VOL. II.

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nishing

(c) Sam. Daniel in Kennet, P. 424. Hollingshead, P. 657. Stowe, 409.

King Henry VI. nishing of his Royal Dignity, but shall withstand to their utmost Power any Person that shall attempt it, as God shall help them.

‘ III. That *Richard*, Duke of *York* shall from thenceforth be called and reputed the very and rightful Heir to the *English* Crown, and after the Decease of the said King *Henry*, the said Duke and his Heirs shall immediately succeed to them.

‘ IV. That the said *Richard* Duke of *York* shall have, by the Authority of this present Parliament, Castles, Manors, Lands and Tenements, with their Appurtenances, to the Yearly Value of 10,000 Marks, over and above all Charges and Reprises, of which 5000 Marks shall be for his own Estate, 3000 for the Earl of *March*, and 2000 for the Earl of *Rutland*, yet with such Intents and Considerations, as shall be declared by the Lords of the King’s Council.

‘ V. That if any Person imagine, or compass the Death of the said Duke, and thereof be convicted, they shall be adjudged guilty of High Treason.

‘ VI. That the Lords Spiritual and Temporal, and Commons in Parliament assembled, shall take an Oath, to accept, take, worship, and repute the said *Richard* Duke of *York*, and his Heirs, as abovesaid, and the said Duke shall protect them in keeping this Agreement.

‘ VII. That this Accord and Agreement shall be notified and publish’d by the King’s Letters Patents, and his Consent and Agreement be openly declared to all and every one of them; and if the said King *Henry* shall break, or go against any Point of this Accord, then the said Crown and Royal Dignity, shall immediately devolve and come to the Duke of *York*, if he be alive, or to the next Heir of his Lineage.

‘ VIII. That all Statutes and Acts of Parliament, made in the Time of *Henry* IV. or V. to entail the Crown on their Heirs, shall be annull’d and repeal’d.

IX. That the Duke of *York* shall be Protector King Henry VI. of the Realm for the future, and be called Prince of *Wales*, Duke of *Cornwal*, and Earl of *Chester*.

This Agreement drawn up in the Form above-said, was engrossed, sealed, and sworn unto by both Parties on *All-Saints* Day; and then it was enacted by the Parliament, that it be made *unalterable* on all Hands. King *Henry* was observed to be very much pleased with this Agreement: Not, doubtless, because he was willing his Son should be excluded from the Crown; but because he feared more severe Dealings with himself, and hoped Time would better provide for his Son; and therefore appointed a solemn Procession the same Day, to give Thanks to God for this peaceable Settlement of Affairs. The King rode to the Cathedral Church of *St. Paul*, attended with the Duke of *York*, Earls of *Salisbury* and *Warwick*, and many other Lords, with his Crown upon his Head, and heard Even-Song, and then return'd to the Bishop's Palace, where he continued some Time.

The next Day *Richard* Duke of *York* was by Sound of Trumpet solemnly proclaimed, 'Heir-
' Apparent to the Crown of *England*, and all his
' Progeny after him, also Lord Protector of the
' Nation, during the King's Life (*d*).

We cannot avoid giving here a Reflection from a much later Historian, on this *Criterion* of *Eng-* Remarks there-
on.
lish History, as remarkable as any is to be found in that celebrated Writer. After a very short Abstract of the Articles, he adds, that (*e*) very likely, this Agreement did not come up to the Duke of *York*'s Expectation. He was contented, however, because he perceived it would be very difficult to obtain more, without open Force. It cannot be denied, that he behaved with a Moderation very uncommon in such Cases. In his present Circumstances, and according to the Rule generally followed by Parliaments, to declare for

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the

(*d*) *FABIAN's Chron.* Anno 1461.

(*e*) *RAPIN's Hist. of England*, Fol. Ed. P. 385.

King Henry VI. the strongest, nothing was more easy for the Duke than to cause the Crown to be adjudged to him immediately. He had at his Command a victorious, and at that time, irresistible Army. Besides, most of the Members of Parliament were in his Interest, and probably, after acknowledging his Title to be indisputable, they would not have wanted much Sollicitation to proceed one Step farther, and place him on the Throne. It is therefore manifest, if the Parliament shewed any regard for *Henry*, it was, because they thought themselves at Liberty to use this Equity, notwithstanding the victorious Army which might have offered them Violence, if the Duke would have made use of his Advantages. It must be farther observed, that the Duke of *York* was older than the King, and therefore naturally could not expect to out-live him. And yet, those who have writ the History of these Troubles, have put an ill Construction upon all they have said concerning this Prince. The Reason may be easily guessed. The House of *York* enjoying the Throne but twenty-four Years, we have no Historian in that Interval ; all we have being later, and writing since the Restoration of the House of *Lancaster* in the Person of *Henry VII.* This must be always remembered in reading the History of these Civil Wars.

But, to put the last Hand to this Affair, the Duke of *York* was very desirous that the Queen and her Son should, also, be present to ratify the Treaty. The King wrote to them both to come up, but he soon found the Spirit of that fierce Princess otherways disposed than his own. In short, she absolutely refused to obey ; and having an Army with her of 18,000 Men, with the Dukes of *Somerset* and *Exeter*, the Earls of *Wiltshire* and *Devonshire*, the Lord *Clifford*, and a considerable Party of the Northern Nobility, she hoped to manage better for their common Interest than her Husband had done.

The

The Duke of *York* being apprised of the Queen's ^{King Henry VI.} Resolution, and the Preparations she had made to preserve the Crown to her Son, marched ^{Another Army raised by the Queen.} down his Forces into the North; and, leaving King *Henry* to the Care of the Earl of *Warwick* and the Duke of *Norfolk*, advanced with the Earl of *Salisbury* as far as *Wakefield*. He had given Orders to his Son, the Earl of *March*, to follow and join him with what Forces he could raise; and, till their Arrival secured himself and his small Army in the Castle of *Sandal*, near the Town aforesaid. The Queen well knew that she had no Time to lose, and therefore came herself in Person, at the Head of her Army, to attack the Duke before his Son could come to his Assistance. The Duke was scarce 5000 strong, but his great Courage was the Occasion of his Ruin, for scorning to be cooped up in a Castle by a Woman, contrary to the Advice of the Earl of *Salisbury* and other old Officers, he ventured to give her Battle; where, being overpower'd by Numbers, he bravely fell, and his small Army were cut in Pieces. With him was slain also the Earl of *Salisbury*, with many more of Note; but none is so remarkable as the Death of the young Earl of *Rutland*, scarce twelve Years old, who was butchered by the Lord *Clifford* after the Battle was over, because he had the Misfortune to be Son to the Duke of *York*. ^{The Duke of York and many others slain.}

The Heroine *Margaret* was much elated at this Victory, and the Death of her greatest Enemy: She first ordered his Head to be struck off, crowned with Paper in Derision, and, with the Heads of the Earl of *Salisbury*, and others, set on one of the Gates of *York*; then marched Southward with her victorious Army to deliver her Husband; and, in a new Parliament, to get the late Accommodation with the House of *York* annulled, and set aside. For some Time longer Fortune was her Friend; she defeated the Earl of *Warwick* near *St. Albans*, retook the King, and marched

310 *The Parliamentary* HISTORY

King Henry VI. for *London* with her Forces, in order to compleat her Design. But hearing that the young Earl of *March*, now Duke of *York*, had beaten the Earl of *Pembroke* in *Wales*, and was marching towards her, joined with the Earl of *Warwick* and his scatter'd Troops, she changed her Rout and went Northward, not having any Confidence in Case of a Battle, in the *Londoners*, or her Southern Subjects. *Edward*, being informed of this, marched directly for the Capital, where he was joyfully received; and having assembled all the Bishops and Lords that were in Town, along with the principal Citizens, like *Alexander*, he cut the Knot at one Stroke, which his Father had so long been endeavouring to unloose. In short, in that Assembly, he claimed the Crown, first by an undoubted hereditary Right; and next by an Infraction of the seventh Article in the Accord, made between *Henry* and his Father, in the last Parliament, which the said *Henry* had broke. The Affair was pushed so warmly, that he was, upon the Spot, declared King, by the Name of *Edward* the Fourth, *March* the 4th, 1461; being then just twenty Years of Age. The next Day he made a solemn Procession thro' the City, first to *St. Paul's*, and next to *Westminster-Abbey*; and was proclaimed King by the Title aforesaid, with the usual Ceremonies.

But his Son Edward proves victorious, and is proclaimed King.



EDWARD

E *EDWARD* having thus obtained the Title of King Edward IV. King, *Vi & Armis*, as it were, had yet much to do to get Possession of the Crown; for the heroic *Margaret* was still at the Head of an Army, composed of all the Forces belonging to the *Red-Rose* Party; fighting for a King who had been long recognised as such, and which had been twice victorious in, what was then called, the Royal Cause. *Edward*, therefore, had no time to lose; he knew very well that he had no other way to secure *London*, but to leave it immediately, and march towards *York*. The Queen was then in that City; and hearing of his Approach, she sent out her Army, commanded by the Duke of *Somerset*, the Earl of *Northumberland*, and the Lord *Clifford* to meet him. Some Advantage was gained by these Generals, at first, by the Surprise of the important Post of *Ferrybridge*; but the *Yorkists* having quickly regained it, they marched over the River *Aire*, and met the Bulk of the Queen's Army, drawn up in order of Battle, in the Fields near a Village called *Towton*, about two Miles South-west of *Tadcaster*. The fatal Battle of Towton.

It is not to our Purpose, to enter into the Particulars of this bloody Engagement; the greatest and most obstinate that, to this Day, was ever fought in this Island; it is sufficient to say that *Edward* was victorious, after the Loss of above thirty-six thousand *English* Men, who then fell by each other's Swords. King *Henry*, his Queen and Son, fled into *Scotland*; and *Edward* marched into *York*, where he soon took down the Heads of his Father, the Earl of *Salisbury*, and others, which had been put over one of the City-Gates; and placed in their Room the Heads of some of the most mortal Enemies of his House, who were taken or slain in the Battle.

Edward staid some Time at *York* to fix the Northern Provinces more fully in his Interest; and leaving every Thing quiet in those Countries, he

King Edward IV. returned to London, and was solemnly crowned soon after at *Westminster*, with the usual Ceremonies. Then to settle all other Matters of State, on the most lasting Foundation, he summoned a Parliament by Writs, dated at *Westminster*, May 23, to meet at the same Place the 6th Day of July following. But, because the King of Scots was entered into England with an Army, in favour of King Henry, Edward and his Council thought proper to postpone the Meeting of the Parliament; and, by other Writs dated July 26, the same Peers were summoned to appear at *Westminster* on the 4th Day of November following (f). The former Writ of Summons directed to Thomas (g), Archbishop of Canterbury, is in the usual Style, with the rest of the Bishops, Abbots, and Priors, as well as the Temporal Lords; but the Names of the latter, in this first Parliament after so great a Revolution, may not be unacceptable to a curious Enquirer.

A Parliament
call'd.

The Names of
the Peers.

The King to his dearly beloved Cousin,
John Duke of Norfolk, John Lord Audley,
Richard Earl of Warwick, Thomas Lord Scroope of
Masham,
John Earl of Oxford, John Lord Clinton,
William Earl of Arundel, John Lord Lovel,
Ralph Earl of Westmoreland, Edward Nevil Lord
Bergavenny,
Henry Viscount Bourchier, Edward Brook Lord Cob-
ham,
Edward Lord Grey of Reginald Lord Gray of
Ruthin, Wilton,
James Lord Berkeley, John Lord Stourton of
George Lord Latimer, Stourton,
Ralph Lord Graystock, William Bouchier Lord
William Lord Bottreaux, Fitz-Waryn,
John Lord Beauchamp, Henry

(f) DUGDALE's *Summons to Parliament*, Anno 1, Edward IV.
W. Prynne, the Publisher of *Cotton's Abridgement*, has made sad
 Mistakes in the Dates of these two Writs.

(g) Bouchier, LE NEVE's *Fasti Ecc. Ang.*

Henry Bromflete	Lord William Nevile	Lord King Edward IV.
Vessey,	Fauconberge,	
Ralph Lord Boteler of John Bouchier	Lord	
Sudley,	Barners,	
Thomas Lord Gray of Richard Welles	Lord	
Richmond,	Willoughby,	
John Lord Sutton of Sir Henry Fitz-Hugh,		
Dudley,	Sir Henry Grey,	
William Fynes Lord Sir Richard West,		
Say,	Sir Thomas Stanley,	
Richard Fynes Lord Sir John Nevile	Lord	
Dacre,	Montacute.	

Besides these Lords, &c. other Writs were directed to summon the twelve Judges there named, and, in the Writs for altering the Time from July to November, seven are called, to sit in the House of Peers (b).

The Parliament met, at the Time and Place last appointed, when, in the Presence of the King sitting on the Throne, and of the Lords and Commons, George (i), Bishop of Exeter, declared the Cause of the Summons in a notable Oration, taking for his Theme, *Bonas facite Vias & Studia Vestra*. JER. 7. After which he ordered the Commons to chuse, and the next Day to present their Speaker.

Anno Regni 1.
1461.
At Westminster.

The Receivers and Tryers of Petitions for England, Ireland, Wales and Scotland, with Gascoigny and the Isles, being, according to ancient Custom appointed; on the third Day of their Sitting the Commons presented to the King Sir James Strangewaies Knt. to be their Speaker; whose Excuse being rejected, he, with the common Protestation, was allowed. At the same time, the said Sir James Strangewaies made a

Sir James Strangewaies chosen Speaker.

(b) *Ac cum Prælati, Magnatibus & Proceribus dicti Regni Colloquium habere & Tractatum.*

Summonitiones ad Parliamenta, 1 Edward IV.

(i) George Nevile, Brother to the famous Earl of Warwick, afterwards Archbishop of York.

314. *The Parliamentary* HISTORY

King Edward IV. Speech to the Throne ; in which he took occasion to commend the King for his extraordinary Courage and Conduct against his Enemies ; and returned Thanks to God for the great Victories given to him.

The next Thing we find that was done in this Parliament, was to read a long Declaration of the King's Title to the Crown ; containing, in effect, what his Father had delivered to Parliament the 39th of the last Reign. To which was added, a Recapitulation of the tyrannous Reign of *Henry* the Fourth, with his heinous murdering of King *Richard* the Second (*k*).

The Reign of Henry IV. declared to have been an Usurpation ; and his Family disinherited.

After this an Act was passed, by the general Consent of both Houses of Parliament, that King *Edward* the Fourth was and is undoubted King of *England*, from the 4th Day of *March* then last past, when all the Estates yielded themselves obeyfant Subjects to the said *Edward* IV. and his Heirs for ever ; affirming the Reign of *Henry* IV. to have been an Intrusion and Usurpation. It was also enacted, that King *Edward* IV. was seized of the Crown and Profits of the Realm of *England*, from the said 4th Day of *March*, in such Sort as King *Richard* II. enjoyed the same, in the 23d Year of his Reign. In which Act is one Provision, and one general Provision for all Men's Rights, except those who claim by Grants from *Henry* IV. *Henry* V. and *Henry* VI (*l*). The said

(*k*) M. *Rapin* observes on the^e Proceedings, ' That several foregoing Instances demonstrate, that the Parliaments of *England* never attempted to swerve from that wholesome Principle of declaring for the strongest ; and adds, that what we shall see in the Sequel of this very Reign will still farther confirm it.'

RAPIN's Hist. of England, Fol. Ed. P. 597.

(*l*) The Act of Parliament, which is very long, bears this Title amongst the *Statutes at Large*, viz.

Which Acts, done by King Henry IV. V. and VI. or by others during their Reigns, shall continue good, and which not, Cap. 1. The Preamble runs thus :

' For the Eschewing of Ambiguities, Doubts, and Diversities of Opinions, which may rise, ensue, and be taken of and upon Judicial Acts, and upon Exemplifications of the same, made or had

said *Henry* of *Derby*, otherwise called *Henry IV.* King *Edward IV.* and the Heirs of his Body coming, are by this Act utterly disabled to enjoy any Inheritance, Estate or Profits, within this Realm or Dominions of the same for ever. And thus, says an Historian, it is remarkable that the Law, in this and in the Attainder that followed, reached *Henry*, even, under the Shelter of a King *de Facto* (m).

Then a whole Recital of the Concord, or Agreement, made between *Henry VI.* and *Richard Duke of York*, Anno 39, *Henry VI.* was read, and the Breach of it by sundry Means was declared. By which Breach it was, also, declared, that King *Edward IV.* was discharged from the said Concord, and that no Article of it should bind him, as King, to that Agreement.

Mr. *Habington* in his Life of King *Edward* the Fourth, says, that at his Coronation, being seated in the most perspicuous Place of the Great Hall at *Westminster*, he himself made an open Declaration of his double Title to the Crown. ‘ First, ‘ by Descent, as before mentioned ; and next, by ‘ Authority of Parliament ; which, upon Examination of the late Duke of *York*’s Title, conferred the Possession of the Kingdom immediately ‘ on him or his Heirs, when *Henry VI.* should ‘ make Forfeiture of it, by Death, Resignation ‘ or Breach of that Accord sworn there so solemnly between them. And that this Accord was ‘ broken, the Slaughter of the said Duke, oppress’d ‘ with unequal Numbers of *Henry*’s Party, at ‘ the Battle of *Wakefield*, did but too sadly manifest. Nevertheless, he protested he would forego ‘ the

‘ had in the Time or Times of *Henry* the Fourth, *Henry* the Fifth ‘ his Son, and *Henry* the Sixth his Son, or any of them, late ‘ Kings of *England* successively, in Deed and not of Right, ‘ &c.’

There is only another Act in the Statute Books made this Parliament, which was, that Justices of Peace may award Process upon Indictments taken in a Sheriff’s Tourns. Anno 1. *Edward IV.* Cap. 2.

(m) COLLIER’S Ecclesiast. Hist. Book VII. P. 679.

316 *The Parliamentary* HISTORY

King Edward IV. ' the Justice of his Claim, rather than enter up-
 ' on it without their free Vote. At which, una-
 ' nimously, the Assembly cried out, *King Edward*,
 ' *King Edward*; joyful that their Voices might
 ' confirm him King, who had deigned them so
 ' humble a Compliment, as to profess that he
 ' would not receive the Title without their Suf-
 ' frage.' In another Place, the same Author
 makes this Remark, that ' Perhaps this Ceremo-
 ' ny did then appear needful, in regard the same
 ' Voices had vowed Obedience to another. O-
 ' therwise, whosoever shall alledge that the Suf-
 ' frage of the Multitude is necessary to confirm a
 ' Prince, destroys the Right of Succession, and in
 ' that the Monarchy, which so long and trium-
 ' phantly hath ruled this Nation.' But, to return
 to the further Proceedings of this Parliament.

Attainders with-
 out Number.

Next follows a long Bill of Attainder of divers
 Persons for the Death of *Richard Duke of York*,
 and others; particularly, *Henry VI. Margaret*
 late Queen of *England*, *Edward* called Prince of
Wales, *Henry* late Duke of *Somerset*, and *Henry*
 Earl of *Northumberland*. Reciting, that *William*
 Lord *Boneville*, Sir *Thomas Kuriel*, Knights of the
 Garter, and Sir *William Gower*, Knt. Standard-
 Bearer to *Richard Duke of York*, were against
 Law beheaded and murdered.

Another Bill of Attainder was passed against
Thomas Courtney late Earl of *Devonshire*, *Thomas*
 Lord *Roos*, *John* late Lord *Nevile*, *Baldwyn Fulst-*
hurst, *Alexander Hedie*, *Nicholas Latimer*, *James*
Lutterel, *Edmond Mountfort*, *Thomas Fundern*,
Henry Lewis, *John Heron* of *Ford*, *Richard*
Tunstal, *Henry Bellingham*, *Robert Whittingham*,
 Knights; *Andrew Trollop*, late of *Guinescoe Esq*;
 with several other Esquires, Gentlemen, and Yeo-
 men, for being at the Death of the Duke of *York*,
 at *Wakefield*, the 30th Day of *December* last past.
 And,

Henry, Duke of *Exeter*, *William*, Viscount
Beaumont, *John Gray*, late Lord *Rougemont*,
Randolf

Randolf, late Lord *Dacre*; *Humphrey Datren*, King *Edward IV.* *Philip Wentworth*, *William Rawkesley*, *Edmund Hampden*, *Thomas Findrey*, *John Courtney*, *John Ormond*, alias *Botler*, *William Midley*, *Simon Haynes*, *William Holland*, called the Bastard of *Exeter*, *Thomas Ormond*, alias *Botler*, *Thomas Everingham*, *Henry Roos* of *Rockingham*, with several other Esquires, Gentlemen, Yeomen and Priests, were attainted for being against King *Edward IV.* *March 29*, last, being *Palm Sunday*, in the Fields called *Saxton Fields*, and *Towton Fields*, in the County of *York*.

King *Henry VI.* Queen *Margaret*, Prince *Edward* and some others, there named, are attainted, for delivering up the Town of *Berwick*, to *James*, King of *Scots*, on the Feast of *St John* the Evangelist last past. Likewise, for practising to deliver up the Castle and City of *Carlisle* to the *Scots*. And the last named Persons, with *Jasper*, Earl of *Pembroke*, *James*, Earl of *Wilts*, *Robert*, Lord *Hungerford*, with certain Priests and Friars, were also attainted, for procuring Foreign Princes to invade the King and Realm.

Henry VI. with certain Persons afore-named, *John Fortescue*, *William Talbois*, and other Esquires, Gentlemen, Priests and Friars, were attainted, for being in the Field against King *Edward IV.* in the Bishoprick of *Durham*, the 18th Day of *June* last past. And the Duke of *Exeter* aforefaid, *Jasper*, Earl of *Pembroke*, and others, were attainted for raising War against the King at *Tubal*, besides *Caernarvon* in *Wales*, on *Friday* next after the Feast of *St Edward* last past.

The Attainder and Forfeiture of all and singular the Hereditaments of the aforefaid *Henry VI.* and namely of all the Land belonging to the Duchy of *Lancaster*; that the said King *Edward IV.* shall hold the said Duchy and County Palatine of *Lancaster*, to him and to his Heirs Kings of *England*, with all Offices and Liberties to the same belonging

318 *The Parliamentary History*

King Edward IV. belonging, seperate from the Crown ; and that the Tenants of the said Duchy do enjoy all their Liberties, in such wise as when *Henry VI.* held the same on the third Day of *March* last.

And Restitutions. After passing all these Bills of Attainder and Forfeitures, the Parliament went upon Acts of Restitution ; and the whole Process and Judgment, as well by Parliament as otherwise, against *Richard*, Earl of *Cambridge*, and several others, was utterly made void and repealed. The like Judgment in Parliament against *John Montague*, late Earl of *Salisbury*, and *Thomas*, Lord *Despencer*, was made void ; and *Richard*, Earl of *Warwick*, and *Ann*, his Wife, the Daughter of *Isabel*, Daughter and Heir to the said *Thomas*, in Right of the said *Ann*, was restored to all the Hereditaments of the said *Thomas*. Also, *Alice*, Countess of *Salisbury*, Daughter to *Thomas Montague*, late Earl of *Salisbury*, Son of the said *John*, was restored to all the Hereditaments of the said *John*. Lastly, *Thomas Lumley*, Knight, Son to *Ralph Lumley*, Knight, was also restored to all the Hereditaments of the said *Ralph*, and the Judgment against him, made void.

These were all, or most, of the Acts and Ordinances which passed this Parliament. At the Close of the Session the King came to the House, and sending for the Commons, after they had given their Assent to the Attainder Bills and the rest, addressed himself to them as follows.

James Stranways, and ye that be commyn for the Common of this my Lond,

Edward's Speech
to his first Par-
liament.

FOR the true Vertes and tender Consideracions that ye have had to my Right and Title, that y and my Auncestres have had unto the Coronne of this Reame, the which from us have been long Time witholde. And nowe thanked be almyghty God, of whos Grace groweth all Victory, by youre true Vertes and grete Assens, y am restored unto that
that

that is my Right and Title, wherefore y thanke King Edward IV.
you as hertely as y can. Also for the tender
and true Hertes that ye have shewed unto me,
in that ye have tenderly had in Remem-
braunce, the Correccion of the horrible Murdre
and cruel Deth of my Lord my Fader, my
Brother Rutland, and my Cosyn of Salysbury
and oher, y thanke you right hertely, and y
shall be unto you with the Grace of Almighty
God, as good and gracious Sovereign Lord as
ever was eny of my noble Progenitours to
their Subgettes and iegemen. And for the
feithfull and lobpyng Hertes, and also the grete
Labours that ye have born and susteyned towards
me, in the recouering of my said Right and
Title which y now possede, y thanke you with
all my Herte, and yf y had eny better Good to
reward you with all then my Body ye shuld
have it, the which shall alwey be redy for your
Defence, never sparing nor letting for noo Jeo-
pardie. Praying you all of youre herty Assis-
tens and good Contynuance, as y shall be unto
you youre veray rightwisse and lobpyng liege
Lord.

This honest and well meaning Speech, we
have chose to give in the Language and true
Orthography of the Times. And, lest it should
be faulty in the *Abridgment*, we have procur'd
a faithful Copy from the Roll itself; which, by
comparing, will be found to differ somewhat,
both in Sense and Spelling (n).

After the King had ended his Speech, the
Record tells us, that the Lord Chancellor stood
up, and declar'd, that since the whole Business
of this Parliament was not yet concluded, and the
approaching Festival of *Christmas* would obstruct
it; He, therefore, by the King's Command,
prorogu'd the Parliament to the 6th of *May* next
ensuing. At the same Time he told them, the King
had put out a Proclamation against giving of
Liveries

(n) For this and many other Favours, we are oblig'd to that
curious and learned Antiquary, *George Holmes*, Esq; Deputy-Keeper
of the Records, and F. R. S.

King Edward IV. Liveries and Badges, contrary to Law, also against Maintenances, Robberies and Murders; all, and every of which, the Bishops, Lords and Commons, there present, promis'd to obey, and to see observ'd throughout the Kingdom.

These were the Transactions of this first Parliament called by this King, as they stand on Record; and of which few or none of our Historians have taken any Notice. The *History of Croyland*, indeed, near cotemporary with these Times, observes, 'That *Edward* having gain'd the last
' Victory near *Tadcaster*, kept his *Easter* at *York*
' with great Splendour; and having settled all
' Things to his Mind, for the Preservation of the
' *North*, he return'd to *London*, where he was
' soon after crown'd at *Westminster*: That in a
' Parliament, call'd immediately after, almost
' every Act of State, that had been done by the
' three preceeding Kings, was resum'd or annul'd:
' That all the Coin of the Kingdom, both in
' Gold and Silver was chang'd and new struck,
' that, at length, the very Name of *Henry*
' might be blotted out: That by the Act a-
' foresaid, two Charters of Possessions and Li-
' berties granted to their Abby by King *Henry*
' the Fifth and Sixth, were rendered absolutely
' invalid: And, that in those Days, the King-
' dom was reduc'd to Obedience, for which
' Mercy, granted from Heaven against its Ene-
' mies, Thanksgiving to Almighty God was
' tendered by every one (o).'

He distributes the
forfeited Estates
amongst his own
Friends.

At the Close of this Parliament, Historians tell us, that *Edward* bestow'd great Largeesses to his Friends, out of the Estates forfeited by his Enemies (p). Nor were Honours and Titles wanting

to

(o) *Pacatum est igitur Regnum Diebus istis, et pro concessio-
caelitus de Inimicis Triumpho, universi Populi Gratiarum Actiones
reddiderunt omnipotenti Deo. HIST. CROYLAND Continuatio.
Ed. Gale. P. 533.*

(p) — qui, ut est in veteri Verbo, laborantem Agricola[m] oportet primum de Fruetibus percipere, primum omnium de Sententia et Auctoritate Concilii, suis Militibus bene meritis Agros illorum, qui Henrici Partes sequebantur, distribuit, &c. POL. VERG. Hist. Ang. P. 513.

to particular Persons, whom either Proximity of Blood, or Merit, had render'd dear to him. His two remaining Brothers, *George* and *Richard*, he created Dukes; the former of *Clarence*, the other of *Glocester*. *John* Lord *Nevile*, Brother to the Earl of *Warwick*, he made Viscount *Montacute*, afterward Marqueſs of *Montacute*. *Henry Bourchier*, Brother to the Archbishop of *Canterbury*, was created Earl of *Esſex*; and *William* Lord *Fauconberg* Earl of *Kent*: He rais'd ſeveral others to the Title of Barons, and honoured many with Knighthood. Punishments ſucceeded to Rewards; for *John* Earl of *Oxford*, *Aubrey de Vere*, his Son, Sir *John Tiddenham*, Knight, *William Tirel* and *Walter Montgomery*, Eſquires, were, without any Trial, attainted and convicted of Treason, and beheaded on *Tower-Hill* (q).

Though the great Earl of *Warwick*, is not mentioned here as receiving any higher Titles and Rewards; yet, a Cotemporary Hiſtorian (r), aſſures us, that he was not without an ample Share of the latter. He had ſeveral Manors and Lordſhips beſtowed upon him by the King; ſome out of Crown Lands, and others that were conſiſcated. He was conſtituted Governor of *Calais*, and had other great Offices; ſo, that our Author has himſelf heard, that he received annually in Penſions, and theſe kind of Profits, Eighty Thouſand Pounds, beſides his own Inheritance. All theſe enabled him to ſpend the moſt in Hoſpitality, that ever any Subject did before him; of which our older Chronicles give ſome ſtrong and familiar Inſtances. But, an unwarrantable Deſection, afterwards, from the Family who had beſtowed theſe Gratuities upon him, loſt this great Man his whole Income, and his Life into the Bargain.

Some new Commotions happening about this Time, prevented King *Edward* from meeting this laſt Parliament, at the Time of the Prorogation. Therefore, it is entered on the Roll, that on the

VOL. II.

X

ſixth

(q) HALL's Chron. Anno 1461. *Habington* in Kennett. P. 433.

(r) *Les Memoires de Phil. de. Commines, Livre, III. Chap. iv.*

King Edward IV. sixth Day of *May*, in the second Year of this Reign, because the King could not attend to be there, *Thomas*, Archbishop of *Canterbury*, by the King's Letters Patents, dissolved the said Parliament. *Dugdale* has given us a Summons to a Parliament at *York*, to be held the 5th Day of *February*, Anno 2. *Edward IV.* and another the same Year to *Westminster* the 29th of *April*, but no Notice is taken in that Author, of any other Parliament, till the 6th of this King.

Anno Regni 3. ^{1463.} However, *the Abridgment* gives us the Proceedings of a Parliament summoned by Writs, dated At *Westminster*. *February* 28th, to meet at *Westminster* the 29th of *April*, Anno 3. *Edward, IV.* When and where being all met, as usual, *George* Bishop of *Exeter*, then Lord Chancellor, declared the Cause of the Summons in a set Speech; after which he directed the Commons to choose a Speaker; and on the third Day of the Session they presented *John Say* Esq; who was accepted.

John Say, Esq;
chosen Speaker.

A Subsidy.

The only material Transaction of this first Session of Parliament was, to grant the King an Aid of 37,000 *l.* to be levied in the Counties, Cities and Towns, according to a Rate there expressed. And, on the 27th Day of *June*, in the Presence of the King, Lords and Commons, the Chancellor, by his Majesty's Command, gave Thanks to the Commons for the Subsidy granted, and prorogued the Parliament from the same Day unto the fourth of *November* next, at *Westminster*.

On the said 4th Day of *November*, *Thomas* Archbishop of *Canterbury*, the King's Kinsman, by his Letters Patents, held and continued the Parliament; and the same Day the Chancellor told them that the King, out of his meer Grace, released unto the Commons 6000 *l.* Parcel of the Grant aforesaid; whereupon it was enacted that 31,000 *l.* shall be levied in Manner of a *Fifteenth*, and be called by that Name. And then the Chancellor, in the King's Name, and as his Lieutenant, adjourn'd the said Parliament, from that

that Day to the 20th of *February* ensuing, at King Edward IV. *York*.

At which Time and Place being again assembled, *William* (f) Bishop of *Lincoln*, by Command of *William* (t) Archbishop of *York*, the King's Commissioner, by Letters Patents, held the said Parliament, and adjourned it over from the said Day, to the first Day of *May* next ensuing, at *York* as aforesaid. The Reason for this last Adjournment is said, in *the Abridgment*, to be because that some Conspiracies and Rebellions being raised against the King in *Glocestershire*, he was obliged to go in Person to suppress them.

On the first of *May* the Lords and Commons were again assembled, in the great Hall, within the Palace of the Archbishop at *York*. The King's Letters Patents were read, constituting and appointing *Richard* Earl of *Warwick* and the Earl of *Salisbury*, his Commissioners to hold and continue the said Parliament, from the said first Day of *May* to the 25th Day of *November* following; and upon reading thereof the Abbot of *Fountain's*, by Commission under the Privy Seal, adjourned the same accordingly. The Cause of which last Adjournment, is assigned to be, that the King was busily employed, in the more *Northern* Parts, for the suppressing of Rebels, and Defence of the Kingdom against a foreign Invasion.

Anno Regni 4.
1464.
At York.

On the 25th of *November*, at the same Place as before, the Parliament once more met, when the same Commissioners were appointed, to hold and prorogue the said Parliament, from that Day to the 26th of *January* next ensuing, at *Westminster*, and the Abbot of *St. Mary's* in *York*, by the King's Appointment, prorogued the same accordingly.

These Interruptions and distant Adjournments
X 2 were

(f) There was no *William* Bishop of *Lincoln*, according to *LE NEVE's Fasti* at that Time. *John Chedworth* was then Bishop, and died so, *Anno* 1471.

(t) This was *William Bootbe*, who died the next Year, *Anno* 1464 and was succeeded by *George Nevile*, Brother to the Earl of *Warwick*. *LE NEVE's Fasti Ecclesie Ang.*

King Edward IV. were occasioned by the Unsteadiness of the Times ; *Edward*, tho' in Possession of the Crown, yet it was not so firmly fixed on his Head, but his Enemy *Margaret* found means to shake it. Some Aids she had from *France*, but they were discomfited on their Landing in the North, by the Bastard *Ogle*. However, by giving up *Berwick*, and some other Fortresses on the Borders, to the *Scots*, she got some Forces in that Country, and marching into *Northumberland* with them, took the Castle of *Bamburg*, and passed forward to the Bishoprick of *Durham* ; her Army daily increasfing. But they were met with, and defeated at *Hegeley-Moor*, by King *Edward* ; and another Army which was following with King *Henry*, underwent the same Fate at *Hexham*, in *Northumberland* ; *Henry* himself with much Difficulty escaping. Shortly after which, this unfortunate Prince came into *England* in Disguise ; but, being betrayed, was apprehended at *Waddington-Hall* in *Lancashire*, as he sat at Dinner ; from whence he was conveyed to *London*, with his Legs bound to the Stirrups, where he was arrested by the Earl of *Warwick*, and committed Prisoner to the *Tower*.

Edward defeats
two Armies raised
against him.

King Henry
taken Prisoner.

The Parliament
meet at *Westmin-*
ster, after four
Adjournments,
and grant Edward
a Subsidy for Life.

The 26th of *January* being come, the Parliament met at *Westminster*, according to the last Prorogation. And now we find that they had Time to do Business ; and the very first Act they went upon was to grant a Supply to the King, which was done too in a very effectual and unusual Manner. For, the Commons, with the Assent of the Bishops and Lords, granted to the King, *during his Life*, the Subsidies following : First.

- ‘ Tonnage and Poundage of every *English*
- ‘ Merchant, for every Sack of Wool 33 s. and 4. d.
- ‘ For every 240 Wool-fells 33 s. 4 d. For every
- ‘ Last of Hides 3 l. 6 s. 8 d. Of every Merchant
- ‘ Stranger, whether Denizens or not, for every
- ‘ Sack of Wool, 3 l. 6 s. 8 d. For every Last of
- ‘ Hides

‘ Hides, 3 *l.* 13 *s.* 4 *d.* For every 240 Wool-fells King Edward IV.
 ‘ 3 *l.* 6 *s.* 8 *d.* with a Proviso only made, that
 ‘ the Town of *Calais*, and the Soldiers in Garri-
 ‘ son there, may be victualled and paid with
 ‘ Part of the said Subsidies according to a Rate
 ‘ there stated.’

It was, also, ordained, ‘ That the Treasurer
 ‘ of *Calais* be obliged, under a Penalty, to ac-
 ‘ count Yearly in the *Exchequer*; and that he
 ‘ may dispose of all the Offices, under him, in
 ‘ the Town or Marches of *Calais*, to whom he
 ‘ pleases, to hold the same at the King’s Will.’

The Government and Staple of *Calais*, having
 been often mentioned in the Course of these En-
 quires, it will not be amiss in this Place, to give some
 Account of it out of the Memoirs of *Philip de*
Commines. That *Author* tell us, ‘ That this was
 ‘ the richest Jewel in the *English* Crown, and the
 ‘ most profitable Government in *Christendom*, if
 ‘ not in the whole World. That he was there
 ‘ several Times, during the Differences between
 ‘ the Houses of *York* and *Lancaster*, and was told
 ‘ by the chief Officer of the Staple for Cloth, that
 ‘ he would willingly farm the Government of
 ‘ the Town, at fifteen Thousand Crowns, *per*
 ‘ *Annum*; for the Governor of *Calais* receives
 ‘ all Profits on that Side of the Sea, has the Be-
 ‘ nefit of Convoys, and the entire Disposal and
 ‘ Management of the Garrison (u).’

And, in another Place, the same *Author* tells us,
 ‘ That it is almost incredible what prodigious Re-
 ‘ turn for their Wools, the Merchants make
 ‘ twice every Year from that Place.’

But to proceed,—Next, came on the At-
 tainders of several more Persons of Quality, and
 others, who were slain or taken in the late Battles;
 particularly *Henry Beaufort*, late Duke of *Somer-*
set, was attainted for raising War against the King,
 and joining with *Henry VI.* at the Battle of *Hex-*
ham,

(u) *Les Memoires de Phil. de Commines, Livre iii. Chap. iiv.*
 & Chap. vi.

King Edward IV. *ham*, in the County of *Northumberland*, on the 8th Day of *May* last past.

Sir *Ralph Percy* Knight, was also attainted for delivering up the King's Castles of *Bamburgh* and *Dunstanburgh* to *Henry*, and for raising War against the King at the Battle at *Hegeley-Moor*, in *Northumberland* on the Day of the Feast of St. *Mark*, last past (x).

More Attainders
against Henry's
Followers.

Sir *Humphrey Nevile*, Sir *Henry Bellingham*, Sir *Thomas Philips*, Knights, many other Esquires, Gentlemen and Yeomen, were likewise attainted for taking Part with *Henry* at *Bamburgh*.

Edmund Beaufort and *John Beaufort*, Brothers to the said Duke of *Somerset*, Sir *William Carie*, alias *Caree* Knt. and others, were also attainted for adhering to *Margaret* late Queen of *England*. Some more of lesser Note are mention'd; and, to all the above named Persons, as the *Record* speaks, the King had granted Pardon in the first Year of his Reign. And, it was enacted, That the Attainders of the said Duke of *Somerset*, *Humphrey Nevile*, *Ralph Percy*, *Henry Bellingham*, and others, made, *Anno Regni* 1. shall stand; and that the Restitutions to them made shall be void. A Proclamation, also, was ordered to be issued out against several Knights, Gentlemen, and Others, by Name, who had escap'd from the Battles, That if they did not yield themselves to the King's Mercy by such a Day, they should stand attainted of High Treason, and incur the Pains of the same.

An Act of Re-
sumption.

Then an Act of Resumption was pass'd, whereby the King took into his Hands all Manner of Hereditaments belonging to the Crown, the

(x) This Sir *Ralph Percy* is celebrated by all, or most of our English Historians, for dying bravely at this Battle, and with these Words in his Mouth, *I have saved the Bird in my Breast*; meaning the Oath that he had sworn to King *Henry*. But, by the Bill of Attainder, it seems to appear that he had been guilty of a Piece of Treachery, in delivering up two Castles, which he had been entrusted with the keeping of by King *Edward*. And *Hall*, in his *Chronicle* confirms this, by saying that he forgot that he had before abandoned King *Henry* in his utmost Necessity, and submitted himself to King *Edward*. Fol. cxi.

the Principality of *Wales*, the Duchies of *Cornwal* and *Lancaster*, and the Earldom of *Chester*; from the Feast of the Purification of our Lady last before, in such Manner as he had, or ought to have had, on the 4th Day of *March*, in the first Year of his Reign; any Letters Patents, or Grants, to the contrary notwithstanding. And, that all Grants, Leases, &c. made by the King, before the said Feast, of any Hereditaments belonging to his Duchy of *York*, or Earldom of *March*, be also void; but with many Provisoos.

King Edward IV.

The last Act of this Parliament, that we think proper to mention, is, That whereas the Sum of 32,831, *l.* was due to the Mayor and Company of the Merchants of the Staple of *Calais*, the King, by the Authority of Parliament, in order to content them and discharge that Debt, assigned them a Power to take a Yearly Rate out of the Subsidy on Wool, until full Payment be made.

There were several Statutes made, in this and the preceding Sessions of this long Parliament, for the Encouragement of the Woollen Manufactory, and Trade in general; which the Reader, if he pleases, may find in the *Statute-Books*; it being needless here to take any further Notice of them. One Act or two, however, deserves mention, which was to restrain the excessive Vanity then used in Dress or Apparel; which, notwithstanding the Destruction and Misery the Civil Wars had occasion'd, was grown to a very great Height. One Thing, in particular, was, the extravagant Way the People then had got of adorning their Feet. They wore the Beaks, or Pikes, of their Shoes so long, that it incumbered them in their Walking, and they were forced to tie them up to their Knees. The Gentlemen did it with Chains of Silver, or Silver gilt; and those who could not afford to be at that Charge, with Silk Laces. This ridiculous Fashion had been in

Sumptuary Laws.

King Edward IV. some Measure used, ever since *Richard* the II'd's Time; but these enormous Pikes were now, by Act of Parliament, curtailed to two Inches; under a Penalty both to the Shoemaker and the Wearer (y).

Likewise, during one of these Sessions of Parliament, a Convocation met at *London*, in which the Clergy very willingly gave a *Tenth* to the Crown; in Acknowledgment for an extensive Charter lately granted them. And here, a Complaint being made of the Violation of Sanctuaries, the utmost Censures of the Church were decreed against those, who should drag any Persons out of Churches or other priviledg'd Places, and carry them to Prison. There was, also, a Constitution pass'd, for the Regulation of the Clergy's Habits (z).

Edward marries
the Lady Gray.

After the Dissolution of the last Parliament, we meet with no other Summons for three Years; during which Time *Edward's* Affairs were again thrown into a very precarious Situation. The Earl of *Warwick*, his greatest Friend, had been disgraced in an Embassy to the *French* King, to conclude a Marriage between the King of *England* and his Sister, whilst *Edward* was actually consummating one at Home, with a Widow Lady, and one of his own Subjects (a). The Earl, from a fast Friend, became, on this, *Edward's* bitterest Enemy; and returning to *England*, had the good Fortune, by Surprise, to take King *Edward* Prisoner, and sent him, as such, to his Castle of *Middleham* in *Yorkshire*. Here, being slenderly guarded, the King found means to make his Escape; and soon after drove the Earl of *Warwick* with the King's Brother *George* Duke of *Clarence*, who had also deserted his Interest, out of the Kingdom. But, returning soon after, with Forces
lent

(y) See STATUTES AT LARGE, An. 4. Ed. IV. Cap. 7.

(z) COLLIER'S Eccles. Hist. Vol. I. P. 680.

(a) The Lady *Elizabeth* Gray, the Relict of Sir *John* Gray, slain at the Battle of St. *Alban's* on King *Henry's* Side. She had been a Maid of Honour to Queen *Margaret*, and was herself crowned Queen of *England*, May, 26, 1465.

lent them by the *French* King, they reduced *Edward* to such an Extremity, that he, in his Turn, was forced to fly the Kingdom; and *Henry*, being released from a long Confinement, was once more seated on the Throne.

King Edward IV.

In the Interval of these Commotions, and various Turns of Fortune, we find that a Parliament was summoned, in the Year 1467, by Writs, dated at *Westminster*, the 28th Day of *February*, to meet at the same Place, on the third Day of *June* following (b). *George* Duke of *Clarence*, and *Richard* Earl of *Warwick* and *Sarum*, are here both summoned as usual.

In the Presence of the King, sitting on the Throne, in the Painted Chamber of the Palace of *Westminster*, and of the Lords and Commons, *William* (c), Bishop of *Lincoln*, in the Absence of *George* Archbishop of *York*, Chancellor of *England*, by the King's Command, declared the Cause of the Summons; after which, he ordered the Commons to chuse their Speaker, and present him as usual. Accordingly, Sir *John Say* Knight, was presented, and accepted by the King.

Anno Regni 7.
1467.
At Westminster.

Sir John Say chosen Speaker.

After which, the King, with his own Mouth, made the following Oration to the Commons.

John Say, and ye *Sirs* come to this my Court of Parliament for the Commons of this my Realm.

THE Cause why I have cald and summoned this my present Parliament, is, that I purpose to live upon mine own, and not to charge my Subjects but in great and urgent Causes, concerning more the Weale of themselves, and also the Defence of them and of this my Realme, rather than mine owne Pleasure, as heretofore by Commons of this Land hath beene done, and bozne unto my Progenitozs in time of need; wherein I trust that yee, *Sirs*, and all the Commons of this my Land will be as

Edward's Speech to the Parliament.

(b) *Dugdale* places this Summons in the 6th of *Edward IV.*

(c) A Mistake again for *John Chedworth*.

King Edward IV. as tender and kinde unto me in in such cases as heretofore any Commons have been to any of my Progenitours. And for the good Will, Kindness, and true Hearts that yee have borne, continued, and shewed to me at all times heretofore, I thanke you as heartily as I can: Also I trust yee will continue in time coming; for which by the Grace of God I shall be to you as good and gracious a King, and reigne as righteously upon you as ever did any of my Progenitors upon Commons of this my Realme in Dayes past, and shall also in time of need apply my Person for the Weale and Defence of you, and of this my Realme, not sparing my Body nor Life for any Jeopardy that might happen to the same (d).

An Act of Resumption was passed, the same in Effect as the last Parliament; also another that the King should for ever enjoy all such Hereditaments as *Richard Duke of York*, possessed on the 30th Day of *December*, Anno 39 *Henry VI.* any Grant to the contrary notwithstanding (e).

Richard Welles, Lord *Willoughby* Son and Heir of (f) *Leonard Welles* Lord *Willoughby*, was restored in Blood to the said Lord *Leonard*, and to all his Hereditaments, notwithstanding the Attainder made against the said *Leonard*, Anno 1. *Edward IV.* As was, also, Sir *Thomas Tresham*, Knight, and his Attainder made void.

These were all the Transactions of the first Session of this Parliament; for, on the 5th Day of *July*, Robert (g) Bishop of *Bath* and *Wells*, then Chancellor, in the Presence of the King, Lords and Commons, first answered certain Petitions

(d) From the Parliament-Roll, 7 *Edw. IV.*—This Speech is quoted by Sir *Henry Yelverton*, in his *Argument concerning Impositions*, 7 *Jac. I.* as an Acknowledgment on the Part of the King that he had no Right to impose at his own Will, and that the Subject had a certain and distinct Property from that which was his own.

(e) The Day he was slain at the Battle of *Wakefield*.

(f) Slain at the Battle of *Towton*.

(g) *Robert Stillington*. *LE NEVE'S Fasti, &c.*

tions from the Lower House, and then thanked King Edward IV. them in the King's Name, for the Statute of Resumption; assuring them, that the King had provided for *Calais*; had taken the like Care for *Ireland* and *Wales*; and further, that his Majesty desired there might be a due Execution of the Laws. After which, by the King's Command, he prorogued the Parliament from the same Day and Place, to the 6th of *November* next ensuing at *Reading*. And from thence, the said Chancellor again prorogued this Parliament, by the King's Command, from the said 6th of *November*, to the 6th Day of *May*, at *Reading* aforesaid. But they did not sit at that Place, for the Chancellor, at their next Meeting, adjourned them from the 6th of *May* to the 12th of the same Month at *Westminster*.

Anno Regni 8.
1468.
At Reading.

These frequent Prorogations were owing to the Unquietness of the Times, which were far from being settled as yet; but, at this last Adjournment, the Parliament sat to do Business, and besides passing several beneficial Acts for the further Encouragement of the Woollen Manufactures, &c. some Subsidies were granted, which will be seen in their proper Place. For, five Days after this Meeting, the King sent for the Commons, into the House of Lords, when the *Chancellor*, by his Command, spoke to the whole Body to this Effect:

Prorogued to
Westminster.

‘ First, he began with Justice, and instanc’d
‘ the good Effects of the same. He next declar-
‘ ed, that the three Estates comprehended the
‘ Government of this Land; the Preheminence
‘ whereof was due to the King, as Chief, the
‘ second to the Bishops and Lords, and the third
‘ to the Commons.’

‘ He then put them in Mind, in what poor E-
‘ state the King found the Crown; despoiled of
‘ the due Inheritance; wasted in its Treasures;
‘ the Laws wrecked; and the whole, by the
‘ Usurpation, in a Manner subverted. Add to
‘ this,

King Edward IV. ' this, the Loss of the Crown of *France*, the
 ' Dutchies of *Normandy*, *Gascoigny*, and *Guienne*,
 ' the ancient Patrimony of the Crown of *England*
 ' lost also; and further, he found it involved
 ' in a War with *Denmark*, *Spain*, *Scotland*,
 ' *Britany*, and other Parts, and even with their
 ' old Enemy of *France*.'

Then descending he told them, that the King
 ' had appeased all Tumults within the Realm;
 ' and planted such inward Peace, that Law and
 ' Justice might be extended. That the King had
 ' made Peace with *Scotland*; that the Lord *Win-*
 ' *ters* was negotiating a League with *Spain* and
 ' *Denmark*, so as to open a free Commerce with
 ' those Countries. But, what was still the great-
 ' est he had allied himself to the Dukes of *Burgun-*
 ' *dy* and *Britany*, two most powerful Princes; in
 ' such Sort as they had given the King the strong-
 ' est Assurance of acting vigorously against *France*,
 ' for the recovering of that Kingdom, and other
 ' the King's Patrimonies; of which, since they
 ' made little doubt, the King thought proper not
 ' to omit such an Opportunity, and such a one as
 ' never happened before. And, that his Majesty
 ' might see this Kingdom as glorious as any of
 ' his Predecessors ever did, he was ready to adven-
 ' ture his own Person in so just a Cause. Lastly,
 ' he told them, that the King had called this Parlia-
 ' ment to make them acquainted with these Mat-
 ' ters, and to desire their Advice and Assistance.'

The Answer the Commons made to this pithy
 Harangue, was, immediately, to grant a large
 Subsidy of two *Tenths* and two *Fifteenths*, to be
 levied on the Laity. Reserving, only, 12,000 *l.*
 to be deducted out of it for the Relief of poor de-
 cayed Towns.

The Senate having thus liberally contributed to
 the Supplies of the State; the next Thing they
 went upon, was to confirm, by their Authority,
 the King's Patents granted to his new Queen
Elizabeth, for establishing her Dower. That the

Part

A Subsidy.

Part of the said Dower, assigned to her by Letters Patents under the Seal of the Dutchy of *Lancaster*, should be valid ; tho' there be no Livery and Seisin of the same : And that the Queen might personally plead and be impleaded in her own Name ; to which are added the Names of the several Manors and other Hereditaments, assigned to her Majesty, in the Dutchy of *Lancaster*, and elsewhere, under the Great Seal, which were all confirmed by Parliament.

In Consideration of the Sum of 10,000 *l.* paid in Part of a greater Sum, due by the King, to *Charles* Duke of *Burgundy* (b), on the Marriage between the said Duke and the Princess *Margaret*, the King's Sister, by the Mayor and Company of the Staple of *Calais* ; the King, by Letters Patents granted, that they should be repaid out of the Subsidy on Wools ; which Letters Patents were, by common Assent, confirmed.

Many good Laws were made this Parliament, for the Encouragement of the Woollen Manufactories &c. as is before mentioned ; but we refer the Reader to the *Statute Books*, for more Information about them. One Thing in the *Abridgement of the Records* is remarkable enough, ' That
' a Bill was brought in this Parliament, whereby
' all such as should rob any Church of any Pax,
' Cope, Granel, Mass book, or any other
' Trinket, (whereof, says *William Prynne*, the
' whole Rabble is named,) shall be deemed a
' Traytor, and be burned for the same ; and that
' all such Persons shall be deprived of the Benefit
' of their Clergy ; that an Appeal for Restitution may, also, lie, and that all Justices of
' Peace may enquire of the same.' The Publisher remarks that by the Preamble to these Motions, it seems that this Bill was made against the *Lollards* ;

(b) This *Charles*, then Duke of *Burgundy*, was very nearly related to the House of *Lancaster* ; for *Philippa*, Daughter to *John* Duke of *Lancaster*, was married to *John* King of *Portugal*, by whom she had *Isabella*, Mother to this *Charles*.

King Edward IV. *Lollards*; but the King's Answer to it was, *Le Roi s'avisera.*

Edward forced to leave the Kingdom. The Civil Wars, which had been carried on so long and with such Fury by both Parties, were not yet at an End; for, soon after the Dissolution of this Parliament, *Edward* was obliged, for his own Safety, to leave the Kingdom. This happened in the Year 1470; and, in the Month of *October*, this Year, the Earl of *Warwick* released King *Henry* from his Imprisonment, and he was once more restored to the *English* Crown.

Henry VI. restored.

However, we find that Writs of Summons, went out in King *Edward's* Name, dated at *Westminster*, *August*, 10, [9. *Edward* IV.] for a Parliament to meet at *York*, *September* 22. following. But, a Stop was put to this Meeting by other Writs, dated *September* 7th, the same Year; and the Reason of the Prohibition is given in the Body of the Instrument to be, because the King was certainly informed that Rebels, Enemies at Home, and Foreign Enemies, both from *France* and *Scotland*, had entered this Kingdom in a hostile Manner, and with armed Force had actually invaded it, &c (i).

Anno Regni 48.
1470.
At Westminster.

Historians (k) inform us that after the great Earl of *Warwick* had raised King *Henry* from a Prison to a Throne, from whence he was called, *The Setter up and Puller down of Kings*, a Parliament was called to meet at *Westminster*, *November*, 26, 1470. wherein nothing was denied which the prevailing Party thought fit to authorize. For here King *Edward* was declared a Traitor to his Country; an Usurper of the Crown; and had all his Goods confiscated; the like Judgment passed against his Brother *Richard* Duke of *Glocester*, and

Edward declared to be an Usurper, &c.

(i) ——— *Quod, certitudinaliter informamur, Rebelles, Inimici et Adversarii nostri, Regnorum Franciæ et Scotiæ, Regnum nostrum Angliæ hostiliter ingredi et invadere proponunt, Vi armata, &c.*

DUGDALE's *Summons to Parliament*, Page 466.

Cotton hath given us the Names of the Peers summoned to this Parliament.

(k) *Hall's Chron.* Fol. cxxi. *Grafton's P.* 691. and *Habington in Kennet P.* 446.

and all his Adherents; of whom, *John Tiptoft* Earl of *Worcester*, Lord High Constable of *England*, and Lord Deputy of *Ireland*, was beheaded. All the Statutes made by King *Edward* were revoked; all the Attainders, against the Earls of *Oxford*, *Pembroke*, and many others, reversed; the Crowns of *England* and *France*, entailed on King *Henry* and his Heirs Male; and, for Want of such, unto *George* Duke of *Clarence* and his Male Issue, and he was declared immediate Heir to his Father *Richard* Duke of *York*. Lastly, the Earl of *Warwick*, was made Protector of the Kingdom, and *Clarence* his Son-in-Law join'd in Commission with him.

King Henry VI.

An Historian of some Eminence (*l*), is very smart in his Remarks on the Act to entail the Crown in the Manner aforesaid; by which he says, the Earl of *Warwick* shewed not only the Extent, but the Insolency of his Greatness; as if, adds he, the Title of the Kingdom appertained to them, who were nearest in Alliance to him, not next in Blood to the Crown. This Author goes on and writes, ‘ For, if the Justice of *Lancaster*’s Claim had the Preheminence for Want of Issue in King *Henry*, why should not the Sovereignty fall to the Duke of *Somerset*? Or, if that Line was crooked in respect of Bastardy, why not to the House of *Portugal*, without any Blemish, descending from *John* of *Gaunt*? Or, if the House of *York* had the better Title, why was *George* Duke of *Clarence* then set down but second in the Entail? Or, if the Right was in *Warwick* himself, (for his Power ordered and disordered all) why was the Kingdom to descend first of all to the younger Daughter? But preposterous Ambition never knew how to give an Account to Reason.

Remarks on this new Settlement.

It would be unpardonable, also, to omit the Reflections of *M. Rapin Thoyras*, on the Conduct of this Parliament, since this, and several more such, we have quoted from that Author, evidently

(*l*) H A B I N G T O N, *ut supra*.

King Henry VI. evidently shew, that he was no Friend to Parliamentary Proceedings. He writes, 'That the
' contrary Resolutions of Parliaments, in re-
' gard to the Quarrel between the Houses of *York*
' and *Lancaster*, clearly shew that these Assem-
' blies acted not with Freedom, but were sway-
' ed by the Events which happened before their
' Deliberations. It is in vain to urge, therefore,
' the Authority of Parliaments in Support of the
' Rights of either House. Their Determinations
' are, properly, of no Force; since they had not
' the Liberty to judge according to their Under-
' standing; unless it is said that their Understand-
' ing directed them always to side with the
' strongest.' And, upon the Act to entail the
Crown, in Default of *Heir Male* from *Henry*,
on the Duke of *Clarence*, &c. Our Author goes
on and says, 'That here would be a large Field,
' to expatiate on the unlimited Authority of
' Parliament, if this Statute had been made with
' Freedom, and after mature Deliberation. But,
' it is easy to see the little Freedom there was in
' this Parliament, if it is considered, that this Act
' was only a bare Confirmation of the Earl of
' *Warwick's* Engagements. Moreover, out of
' pure Condescension for the Earl, or rather by
' his Direction, and contrary to the Laws and
' Customs of the Realm, it was not scrupled to
' deprive the Daughters of the House of *Lancas-*
' *ter*, of a Right enjoyed by the Princesses of the
' Royal Family, ever since the *Norman Con-*
' *quest*.' Thus adds he, 'By a hasty Resolution,
' was established in *England* a kind of *Salic Law*,
' which the *English* had so much censur'd and de-
' rided, when *Edward III.* and *Philip de Valois*,
' were contending for the Crown of *France*.
' And, besides, this Parliament manifestly sup-
' posed *Henry's* Inability, and considered him
' only as the Shadow of a King, by consti-
' tuting the Duke of *Clarence* and the Earl of
' *Warwick* joint Governors of the Kingdom.'

What

What we can pick up else, relating to the Pro-
ceedings of this Parliament, is from an old Chro-
nicle (a) which informs us, that it began at *West-*
minster at the Time aforesaid, and from thence
was adjourn'd to *St. Paul's Church, London*, where
it continu'd till *Christmas*. That an Alderman
of the said City, call'd Sir *Thomas Cook*, who had
been tried for Treason, *Anno 7. Edward IV.* and
acquitted; but for Misprision had been imprison-
ed, severely fined, and otherways ill us'd; now
exhibited a Bill of Complaint, in the House of
Commons, against the Lord *Rivers* and others,
who had been the occasion of his Troubles. He
petition'd the House that he might be repaid his
Loss and Damage, out of the said Lord's Estate,
to the Value of 22,000 Marks. It is likely, adds
our Historian, that it would have been granted to
him, if King *Henry's* Affairs had prosper'd; for,
this Sir *Thomas Cook*, was a Member of the House
of Commons; a good Speaker, of great Boldness
and Vivacity of Wit. But he had better have
been quiet, for he smarted much worse for it af-
terwards.

We have been more careful to collect what
Historians have left us concerning the Proceedings
of this Parliament, since there is not one Word
of all this Matter on Record. Probably, if these
Proceedings were entered on the Rolls, *Edward*,
who soon after was restored, caused them to be
erased and abrogated. *Dugdale*, indeed, hath
given us the Summons to this Parliament, the
Date of which is *Anno 49, Henry VI.* [9 &
10 *Regis Edward IV.*] wherein the first Writ to
the Peers is directed to *Henry's* most dear Cousin
George Duke of Clarence, who had then revolted
from his own Family; but there is no Mention
at all of it in the *Abridgment of the Records*.

However, this Dream of Regal Power in *Henry*
lasted but a small Time (b); for the Fugitive

VOL. II.

Y

Edward

(a) *Fabian's Chron.* Fol. 219.

(b) The Acts of State which are in the *Fæd. Ang.* make it ap-
pear by their Dates, that *Henry's* reinstated Regal Power lasted on-
ly

338 *The Parliamentary History*

King Henry VI. having gained some Aids from his Brother in Law, the Duke of *Burgundy*, and being promised more in *England*, landed at *Ravensburg* in *Yorkshire*. At his first Arrival, he seem'd to lay aside his Claim to the Crown ; pretending only to his Rights as Duke of *York* ; but, having possess'd himself of that City and got his Friends about him, Edward returns. he soon threw off that Mask, and marching forward, with a now powerful Army, was met and joined by his Brother the Duke of *Clarence*, with a very considerable Reinforcement.

Edward, being now strong enough to cope with his Enemy the Earl of *Warwick*, marched on directly for *London* ; and at his Approach the Citizens open'd their Gates to him ; the Earl of *Warwick* was not there, but peaceable *Henry* fell once more into his Enemies Hands. The Earl, however, was advancing towards *London*, with a powerful Army, against whom the warlike *Edward* oppos'd himself ; and, at *Barnet* their Armies meeting, a dreadful Battle ensued ; where, at first, *Warwick's* good Fortune in War gave him great Hopes of a compleat Victory ; but, by

The Battle of
Barnet.

Henry again tak-
en Prisoner, and
Edward restor'd.

Another Battle
at Tewksbury.

Henry's Death.

a fatal Mistake amongst his own Men, the Day was changed, and *Edward* was victorious, with the Death of the Earl of *Warwick*, and the Marquess of *Montacute* his Brother ; ten Thousand *Englishmen* more, falling, on both Sides, at that Battle. In a few Weeks after this, another Battle was fought at *Tewkesbury*, between King *Edward* and the martial Queen *Margaret*, where the Heroine was, also, defeated ; her Son Prince *Edward* made a Prisoner and destroyed ; all the Nobility and Gentry with her taken or slain, and her whole Army cut to Pieces. This Victory was soon after followed by the Death of the pious *Henry* ; said to have been murdered in the *Tower*, by the Hands of *Richard* Duke of *Gloucester*, King *Edward's* Brother. And thus dying as it were,

the
ly from about Oct. the 9th, to the 27th of *March*. Several of which Acts are said to be done AUCTORITATE PARLIAMENTI. *Rymer's Fœd. Ang. Tom. XI.*

the like Death as King *Richard*, proves that ^{King Edward IV} Scripture-Maxim true, *That God visits the Sins of the Fathers on the Children, even, unto the third and fourth Generation.*

The grim King of Terrors having thus satiated himself with the Blood of so many Princes and common Men, a while laid down his deadly Scithe, and *England* enjoyed a profound State of Tranquility. But, it was not till the Year 1472, and the 12th of this King, that we meet with any more Parliaments; when Writs of Summons were issued out, dated at *Westminster* the ninth Day of *August*, for a Parliament to meet at the same Place on the sixth of *October* following; a List of the Peers, at the End of the late destructive Civil War, may not be improper in this Place (c).

The King to his most dear Brother George Duke of Clarence, &c.

<i>Richard Duke of Gloucester,</i>	<i>John Earl of Wiltshire,</i>	The State of the Peerage at Ed- ward's Restora- tion.
	<i>Ralph Lord Greystock,</i>	
<i>John Duke of Norfolk,</i>	<i>Thomas Lord Scrope, of</i>	
<i>John Duke of Suffolk,</i>	<i>Masham,</i>	
<i>William Earl of Arundele,</i>	<i>John Lord Beauchamp,</i>	
	<i>John Lord Audley,</i>	
<i>Henry Earl of Essex,</i>	<i>Edward Nevile, Lord</i>	
<i>Edmund Earl of Kent,</i>	<i>Bergavenny,</i>	
<i>Ralph Earl of Westmre-</i>	<i>Reginald Lord Grey, of</i>	
<i>land,</i>	<i>Wilton,</i>	
<i>Henry Earl of Northum-</i>	<i>John Lord Strange,</i>	
<i>berland,</i>	<i>Henry Lord Grey,</i>	
<i>Anthony Earl Ryvers,</i>	<i>John Lord Howard,</i>	
<i>John Earl of Shrews-</i>	<i>Richard Lord West,</i>	
<i>bury,</i>		

Y 2

Walter

(c) We find, in the *Public Acts*, that *Edward* assembled as many of the Lords Spiritual, and Temporal, as were in or near *London*, in the Parliament Chamber at *Westminster*, July 3. Anno 1471. At this Meeting, a formal Oath was proposed to them, to swear Fealty to his Son Prince *Edward*, as his Heir apparent; which was taken and subscribed by the two Archbishops, eight Bishops, and all the Temporal Lords and Knights there present.

Fæd. Ang. Tom. XI. P. 714.

340 *The Parliamentary History*

King Edward IV. *Walter Devereux Lord Ferrers,* *Walter Blount Lord Mountjoy,*
Richard Lord Scrope, of Bolton, *William Lord Stourton,*
Ralph Boteler Lord Sudley, *John Bourghchier Lord Berners,*
Thomas Lord Lumley, *Fulk Bourghchier Lord Fitz Waryn,*
Thomas Lord Stanley, *John Sutton Lord Dudley,*
Richard Fenys Lord Dacre, *William Lord Hastings,*
John Broke Lord Cobham, *William Lord Berkeley,*
John Lord Dynham,

Ten Judges by Name are also summoned.

Anno Regni 12.
 1472.
 At Westminster.

William Allington, Esq; chosen Speaker.

This Parliament being assembled, as aforesaid, before the King in the Painted Chamber at *Westminster*, *Robert*, Bishop of *Bath* and *Wells*, then Chancellor, opened the Cause of their Meeting; after which he directed the Commons, as usual, to choose and present their Speaker: And *William Allington*, Esq; was chosen, presented, and accepted by the King for that Purpose.

A singular Sort of Tax

The first Thing we find that the Commons went upon was the Supply; and 14,000 Archers were voted, to serve the King at their Costs, for one Year; the same to be levied according to a Proportion out of all Lands and Tenements. The Lords Spiritual and Temporal did, also, tax themselves, by Way of Grant unto the King, towards furnishing the Forces aforesaid, the tenth Part of one whole Year's Revenue of all and singular their Lands and Possessions.

The Commons then, by a long Protestation delivered to the King and Lords, required that the Statutes made against Riots, Maintenancies, Oppressions, and for regulating Labourers, may be executed. And the same Day, viz. *Nov. 30th*, the Bishop of *Rocheſter*, by the King's Command, returned Thanks to the Commons for their Grant, and prorogued the Parliament from the same Day to

to the 8th of *February* next ensuing, at *Westmin-* King Edward IV.
ster.

At this Session the King's Letters Patents for creating *Edward*, his first begotten Son, Prince of *Wales* and Earl of *Chester*, were confirmed by Parliament; likewise the King's Letters Patents for granting and delivering to the young Prince the Hereditaments and other Appurtenances belonging to the said Principality and to the Dutchy of *Cornwall*, was, by the same Authority, confirmed. This Prince was then about two Years old, the Queen having been deliver'd of him, in the Sanctuary at *Westminster*, whilst the King was an Exile. Edward creates his eldest Son Prince of Wales, &c.

Next follow several Acts of Mercy in reversing the Attainders of divers Persons, amongst whom Sir *Henry Percie*, Knight, as he is there stiled, Son and Heir to *Henry* late Earl of *Northumberland* (d), was restored, in Blood, to the said Earldom, and to all such Hereditaments as came into the King's Hands, *March 2, Anno 9, Edward IV.* and the Attainder made against the said Earl *Anno 1, Edward IV.* was made void. The Reader may observe that this Earl was summoned to this very Parliament. Several Attainders revers'd.

Ralph Nevile, Son and Heir to *John* late Lord *Nevile*; Sir *Henry Roos*, Knight, late Lord *Roos* of *Hamlake* (e); and several more there named, have their Attainders reversed, and are restored to their Honours and Possessions.

We find that this Parliament continued sitting till the 8th Day of *April, Anno 13, Edward IV.* when the Commons granted the King one *Tenth* and one *Fiftieth*, reserving out of it 6000*l.* to be distributed to certain decay'd Towns. And, it was ordained that the Money arising from the *Tenths* given by the Lords in the first Session of this Parliament, be paid into the Hands of the Treasurer of *England*. Also, in Consideration of 23,000*l.* due by the King to the Mayor and Merchants Anno Regni 13.
1473.

Y 3

(d) Slain at the Battle of *Towton* on the *Lancastrian* Side.

(e) *Helmſley* in *Yorkshire*.

King Edward IV. Merchants of the Staple at *Calais*, the King by a long Act granted to them a *Fifteenth*, in like Manner as in the Parliament of the 7th of *Edward IV.*

An Historian writes, ‘That for Relief of the King’s great Necessity, a full Subsidy was granted; for all his mighty Fortunes served, only, to reward the Multitude of his Adherents; and in Recompence of the Subsidy he granted them a general Pardon. And indeed, by that he liberally repaid them; for, by the late Civil Wars, the Lapse into Treason was so universal, that scarce any Estate could be safe if Licence was given to Informers, the Cormorants of a Commonwealth, who swallow much but never grow fat; and least of all advance what they most pretend, the King’s Benefit (f).’

Several more Persons, by Name, are now restored in Blood to their Lands and Possessions, forfeited by Attainders; amongst whom the principal was Sir *Humphrey Dacres*, Son of *Thomas Dacres*, and Brother to *Ralph*, late Lord *Dacres*, slain at the Battle of *Tewton* (g), who was Son and Heir to the aforesaid *Thomas*; and all the several Attainders against the said *Ralph* and *Humphrey* were made void. And,

The Parliament
prorogu’d.

On the 8th Day of *April* aforesaid, the Chancellor, after giving Thanks to the Commons for the Subsidy, by the King’s Command prorogued the Parliament to the 6th of *October* following. But, before they parted it was agreed and ordained, ‘That the King, on any urgent Occasion which required their Attendance, might call and re-assemble the said Parliament, giving only, by Proclamation, twenty Days Notice.’

In

(f) *Habington in Kennet*, p. 459.

(g) He was buried in *Saxton Church Yard*, where a Gravestone was laid over him with this Inscription;

Hic jacet Ranulphus Dominus de Dakre et — Miles, et occisus erat in Bello, Principe Henrico Sexto, Anno Dom. M.CCCC.LXI. XXIX Die Martii, videlicet, Dominica Die Palmarum. Cujus Animæ propitiatur Deus, Amen.

DRAKE’S Antiquities of York; Fol. Lond. 1736. p. 111.

In the first Session of this Parliament, a Noble-
man call'd *Lewis De Bruges*, a *Netherlander*,
Lord of *Gruthuse*, and Prince of *Steinhuse*, came
over into *England*, and was receiv'd by the King
with all Demonstrations of Friendship. And,
on the 13th of *October*, in the House of Lords,
was created Earl of *Winchester*; receiving, with
the Title, the ancient Arms of *Roger de Quincy*,
formerly Earl of the same Place; with an Addi-
tion of the Arms of *England*, in a Canton. The
Reason of this so extraordinary a Favour confer-
red upon a Stranger, says an Historian, was the
great Respect this Nobleman shewed to *Edward*,
when he was forced to fly his Country by the
prevailing Power of the Earl of *Warwick*, and
seek Protection from the Duke of *Burgundy*.
This Nobleman, being of that Country, did his
utmost to comfort the King, then distracted by
his many Afflictions (*b*).

King Edward VI.
L. De Bruges, a
Netherlander,
created Earl of
Winchester.

At the Time appointed, viz. *Oct.* 6, this Par-
liament met again, and continued sitting from
Day to Day, to the 13th of *December* following.
During which Time some more Attainders were
revers'd; and a Suit, or Contention at Law, was
terminated between the King with the *English*
Merchants, of one Side, and the Merchants of
the *Hans Towns*, in *Germany*, or the *Stilliards*,
on the other Party, and a free Intercourse between
these Countries and Merchants was settled for ever.
The King also confirmed to the said Foreign
Merchants, of the *Stilliards*, their old Liberties,
granted to all Foreign Merchants, of every Coun-
try by Name, by King *Edward I.* but afterwards
particularly, to these Merchants of the *Stilliards*,
by King *Edward II.* wherein is to be noted the
Customs they were then rated at, and the King's
Grant not to raise the same, all which was con-
firmed by this Parliament (*i*).

A second Session.

Y 4

A

(*b*) Habington *ut supra*, 450. *Philip de Commynes*, Liv. 3. Cap. 5.

(*i*) This Instrument of a very great Length, is printed in the
Publick Acts, Tom XI. p. 793, &c.

King Edward IV. A new Act of Resumption was, also, made, whereby the King took into his Hands all the Hereditaments of the Crown, with the Duchies of *Lancaster* and *York*, from the Feast of St. *Thomas* in the Year 1473, and of which the King was seised *March* 4th, *Anno Regni* 1. or what came into the King's Hands since, by Attainder or otherwise. And, a special Commission was given to the Chancellor of the Duchy of *Lancaster*, for assuring the Payment of certain of the King's Debts granted out of the said Duchy, under the Seal of that Office. In this is a Number of Provisions, particularly one, that the same should not prejudice the Corporation, Union, and Annexation of the Duchy of *Lancaster* and County Palatine, nor the Officers nor Tenants of those Districts. Several Provisions, were also made to particular People, by Name; in this Commission; amongst which, says *the Abridger*, we must not forget one Provision, for Mother *Cobb*, Midwife to *Elizabeth*, the King's best belov'd Wife, and Queen of *England*.

A new Act of Resumption.

On the 13th of *December* the Bishop of *Durham*, then Chancellor of *England*, in the Presence of the King, Lords and Commons, after giving Thanks, on the King's Behalf and by his Command, to the three Estates, prorogu'd this Parliament, once more, to the 20th of *January*, next coming, at *Westminster*.

We learn that this Parliament again assembled on the Day aforesaid, and continu'd to sit till the first of *February*; when the said Bishop of *Durham*, as Chancellor, call'd the Commons before the King and told them, ' That they were then
' assembled to consult which Way the King
' might proceed in the Wars; but, because his
' Majesty had yet heard nothing from his Brother
' the Duke of *Burgundy*, relating to that Affair,
' whereon much depended; it was the King's
' Command that this Parliament should be prorogu'd

The Parliament meet after a second Prorogation, and are again prorogu'd.

‘ rogu’d from the said Day, to the ninth Day of King Edward IV.
 ‘ *May* ensuing.’

At the Time appointed by the last Prorogation Anno Regni 14.
 this same Parliament met again at *Westminster*; ^{1474.}
 and now, by the common Consent, the King At *Westminster*.
 granted to his Brother *George* Duke of *Clarence*
 and *Isabel* his Wife, and to his other Brother
Richard Duke of *Glocester* and *Ann* his Wife,
 Daughter and Heir to *Richard* *Nevile*, late Earl Grants, in this
 of *Warwick*, and Daughters and Heirs apparent Parliament, to
 to *Ann* Countess of *Warwick*, ‘ That they shall the Dukes of
 ‘ enjoy to them, and the Heirs of their said Clarence and
 ‘ Wives, all the Hereditaments, belonging to Glocester, the
 ‘ the said *Ann*, in such wise as if the said *Ann* King’s Brothers.
 ‘ was naturally dead; and that their said Wives
 ‘ should be of Blood to the said *Ann* and enjoy all
 ‘ Benefits accordingly, she being, for ever, barred
 ‘ from claiming the same (k). Also that both the
 ‘ said Dukes and likewise their Wives, and the
 ‘ Heirs of both, may make Partition of the Pre-
 ‘ mises to stand good in Law; and that the said
 ‘ Dukes or either of them, overliving his Wife,
 ‘ shall during his Life enjoy her Property. That
 ‘ all Alienations, Discontinuances, Charges and In-
 ‘ cumbrances, suffered by either of the said Dukes
 ‘ or their Wives, to debar the other of the said
 ‘ Pur-parties, shall be utterly void. Moreover,
 ‘ that if the said Duke of *Glocester* be at any Time
 ‘ hereafter divorced from the said *Ann* his Wife,
 ‘ and suffer any such Incumbrance as above,
 ‘ that it shall be void. And further, that if the
 ‘ said Duke *Richard*, upon such Divorce, doth
 his

(k) This Lady was *Ann* the Daughter and Heir of *Richard* *Beau-
 champ*, Earl of *Warwick*, and married to *Richard* *Nevile*, eldest
 Son to the Earl of *Salisbury*, who had the Title of Earl of *Warwick*
 given him by Patent of *Henry* VI. in the Right of his Wife. She
 had only two Daughters by the said Earl, *Isabel* and *Ann*; the first
 was married to *George* Duke of *Clarence*, and the other to *Edward*
 Prince of *Wales*, Son to *Henry* VI. and after his Death to his Mur-
 derer *Richard* Duke of *Glocester*; who, as is said, dispatch’d her
 also, by Poison, to make Way for his intended Match with his
 Brother King *Edward*’s Daughter.

346 *The Parliamentary* HISTORY.

King Edward IV. ' his uttermost to be reconciled, during his Wife's
' Life, that then after the Death of his said Wife,
' he shall enjoy her Purparty.'

The Effect of the Grant made to the Mayor and Company of the Staple at *Calais*, *Anno* 13, *Edward* IV. was in a Manner recited; and, it was further enacted, ' That the said Mayor, during the Term there mention'd, shall pay 1000 Marks for the Fees and Rewards of the King's Judges, Serjeants and Attornies.'

The Parliament prorogu'd a fourth Time.

They meet again, and grant a Subsidy.

This Session only continued to the 28th of *May*, when the Bishop of *Lincoln* (1), as Chancellor, in the Presence of the King and the three Estates, prorogued the Parliament to the 6th Day of *June* next ensuing. At which Time, besides reversing the Attainders of a few more Gentlemen, and some other Acts on private Affairs, a Subsidy was granted by the Commons to the King of one *Tenth* and one *Fifteenth*; Also, 51,117 *l.* 4 *s.* 7 *d.* $\frac{1}{2}$ *d.* as full Payment for the Wages of 14,000 Archers granted before; and for the raising of this, every County, City, and Town was severally taxed. And on *July* 18th, the aforesaid Chancellor, by the King's Command prorogued the Parliament to the 23d Day of *February*, next ensuing, at *Westminster*.

The same Parliament meets after a fifth Prorogation.

This Parliament being again assembled, on the said Day, which was still in the 14th of this King, an Ordinance was immediately made by them for the speedy levying the *Tenth*, on all Revenues, granted in the 12th Year of this Reign.

An Act was made this Session for appointing *Thomas* Archbishop of *Canterbury*, and several others, Feoffees in Trust, for sundry Hereditaments in the Duchy of *Lancaster*, to the Performance of the King's last Will and Testament, &c.

The House called the *Style-House*, otherwise the *Stilliard*, in the Parish of *Allhallows* in *London*, was by Authority of Parliament assigned to the Merchants

(1) *Thomas Rotheram*, afterwards translated to *York*. LE NEVE'S *Fasti Ecc. Ang.*

Merchants of the *Hans Towns*, and to their Suc-^{King Edward IV.} cessors for ever, together with other Tenements to the same belonging, yielding Yearly to the Mayor of *London* 70*l.* and some other Out-Payment.

On the Petition of *Richard Duke of Gloucester*, the King would not attaint *John Nevile* late Marquess of *Montacute*, slain in the Battle, near *Barnet*; but, by Authority of Parliament, he gave to the said Duke, and to the Heirs of his Body, lawfully begotten, several Honours, Baronies, Castles, Manors, and other Hereditaments, which belonged to *Richard Nevile*, late Earl of *Warwick*. And, by the same Authority, the King gave to *George Duke of Clarence*, several other Manors, &c. in *Essex*, with the Mansion-House, in *London*, called the *Harbor*, late belonging to the said Earl. Likewise, in Exchange for the Manor and Wapontake of *Chesterfield* and *Scarsdale*, in the County of *Derby*, and the Manor of *Busby* in *Hertfordshire*, allotted to *Richard Duke of Gloucester* and *Anne* his Wife, the King gave to the said Duke and *Anne*, in Fee, the Manor of *Cottingham* in the County of *York*, with the Advowson of the same, which late belonged to *Richard* late Duke of *York*, the King's Father, together with the Town and Castle of *Scardeburgh*, with the Fee-Farm of the same, and other Liberties.

Several other Manors are mentioned in the Records, as granted to the Duke of *Clarence*, in *Devonshire* and *Somersetshire*, &c. all which were Parcels of forfeited Estates, which at this time must greatly increase the Revenues of the Royal Family.

The whole Business of this last Session of the Parliament seems, by the Records, to be taken up with Attainders, and revoking Attainders, Grants of forfeited Estates, &c. the fatal Consequences of Civil Wars; but it would be too tedious to mention any more of them. However, we find that

Numerous Attainders, Revocations of Attainders, Grants, &c.

348 *The Parliamentary* HISTORY

King Edward IV. that in the *Statute Books* are several Acts, made for the Publick Good, in the different Sessions of this long Parliament, to which we must also refer; and shall only observe, that before the Dissolution thereof, the Commons made another Grant to the King of one *Tenth*, and one *Fifteenth*, with a Third of each of them. Which Grant being read, and agreed to by the Lords, the Lord Chancellor, on the 14th Day of *March*, *Anno Regni* 15. (m) by the King's Command, returned Thanks to the three Estates, and dissolved the Parliament.

Another Subsidy.

This long Parliament dissolv'd.

We have not in the Course of these Enquiries, hitherto, met with a Parliament of so long a Duration; they having sat, with the several Prorogations, near two Years and a half. During which *The History of Croyland* takes notice, that no less than three several Lord Chancellors presided. The first, adds that Authority, was *Robert* [Stillington] Bishop of *Bath*, who did nothing but by the Advice of his Disciple *John* [Alcock] Bishop of *Worcester*; the next was *Lawrence* [Boothe] Bishop of *Durham*, who tired himself with doing just nothing at all; and the third was *Thomas* [Rotheram] Bishop of *Lincoln*, who did all, and brought every thing to a happy Conclusion.

The aforesaid Authority (n), cotemporary with these Times, goes on and tells us, ' That the King made it his utmost Study, in this Parliament, to incite and animate the Lords and Commons, to consent to a War with *France*. And, that many elegant Speeches, as well on the State of the Nation, as on Foreign Affairs, particularly in regard of the Duke of *Burgundy*, were made in open Parliament. At last, every one agreed with his Majesty's Wishes, and applauding greatly the royal Proposal, many *Tenths* and *Fifteenths* were granted; separately, ' as

A large Subsidy;

(m) *The Abridgement* has it *Anno Regni* 14. but it must be a Mistake, for *Edward IV.* began his Reign on the 4th of *March*.

(n) *HIST. CROYL. Continuatio* 557, 558.

‘ as the Matter required, in the Convocation of King Edward IV.
 ‘ the Clergy and Assembly of the Laity, who
 ‘ both interested themselves in making these Con-
 ‘ cessions ; besides charging their Hereditary
 ‘ Possessions and immoveable Goods, freely, with
 ‘ another *Tenth* to sustain the Expences of the
 ‘ War. Neither did all these Burthens on the
 ‘ People seem sufficient. For a new, and a yet
 ‘ unheard-of Imposition (o) was asked, called a
 ‘ BENEVOLENCE, whereby, every one might
 ‘ give what they would, or rather, what they
 ‘ would not, The Money raised by all these
 ‘ Ways and Means, amounted to so vast a Sum,
 ‘ as, adds the Monk by way of Prophecy, no doubt
 ‘ the like was never seen before ; nor, in all prob-
 ‘ ability, ever will be seen again.’

And a new Imposi-
 tion, call'd a
 BENEVOLENCE,
 for carrying on
 a War against
 France.

Hall, in his Chronicle, hath given us the Man-
 ner by which this new Device of a *Benevolence*
 was collected ; which was begun the Year after
 the last Subsidy was granted (p). The King,
 he says, caused his Officers to bring before him,
 one after another, the richest and most substantial
 Citizens, and to them he explained the Cause,
 Purpose, and the Necessity of the War, begun
 with *France*, and the Weakness of his Treasury
 to carry it on. Requiring them by the Love and
 Regard they owed their natural Prince, out of
 Gratitude and Kindness to him, that they would
 give him freely some Aid in Money, towards the
 Maintenance of the War and Army. What
 should I say more, adds our Author ? This In-
 vention had its Effect. Some calling to Remem-
 brance the Benefits received from him ; some
 with Shame, and some with Fear, moved and
 encouraged, gave liberally of their Money ; which
 could not have been otherways obtained without
 much

(o) In the second Year of his Reign he sent out Letters, under
 the Privy Seal, to ask such a Contribution as this, to help him to
 raise Forces against the *Scots*, coming in with King *Henry*, which
 was liberally granted. *Stowe's Chron.* 416.

(p) *HALL's Chronicle*, Fol. CC.XXVII. Copied by *GRAFTON*,
 P. 719.

King Edward IV. much Grudging and Reluctancy (*p*). Our Historian goes on and tells us a pleasant Story, which happened by this way of gathering the *Benevolence*. The King had called before him a Widow Gentlewoman, much abounding in Wealth, and equally stricken in Years; of whom, he only demanded what she would freely give him, towards the Support of his great Charges? *By my Troth*, quoth the old Lady, *for the sake of thy lovely Countenance, thou shalt have Twenty Pounds*. The King, expecting scarce half that Sum, thanked her, and gave her a loving Kiss. Whether the Flavour of his Breath, adds *Hall*, did so warm her old Heart, or she esteemed the Kiss of a King so precious a Jewel, she swore directly, that he should have Twenty Pounds more? Which, she as willingly paid as offered (*q*).

Which proves
unsuccessful.

But, leave we this new Way of raising Money, which, by all we can find, was only practised on the richest Citizens of *London*, and not carried thro' the Nation: Let us see what the King did with his Riches, and how they were employed abroad. *Edward* embarked with his Forces, and landed at *Calais*, where he was joined by the Duke of *Burgundy*, who had invited him to this War; but with so poor a Reinforcement, that
Edward

(*p*) *FABIAN* writes, that the Mayor of *London* for his Part gave XXX *l.* each of the Aldermen XX Marks; the Commoners, singly, gave him the Wages of half a Man for a Year, which amounted to iv *l.* xi s. iii d. *CHRON. Fol. CC.XXII.*

(*q*) A Story, somewhat applicable to this, actually happened at *Pontfretre* in *Yorkshire*, in the Year of King *Charles II*'s Restoration. It was then thought proper, to supply the present Necessities of the King and State, to send Officers about the Kingdom, to collect what Money each Person would freely contribute on that Occasion; and which was, also, call'd a *BENEVOLENCE*. The Collectors came to the House of an old Lady, who then liv'd in the Town aforesaid, and having told her their Errand, 'Alas! Alas!' said she, 'A poor King indeed, to go a begging the first Year of his 'Reign! but stay, I will bestow something on him;' and, telling them out ten broad Pieces, 'Here, says she, take those.' The Officers were going away, very thankful for what they had got; 'Hold,' says the old Lady, 'Here are ten more, to bear the 'Charges of the other; and then, perhaps, some of them may 'reach him.'

Edward thinking himself flighted, and fearing King Edward IV. some Treachery, hastily concluded a Peace with the *French* King; and the whole ended in an Interview between the two Kings, which was performed at *Piguigny*, with great Ceremony and Magnificence.

A Peace clapp'd up with France, which disoblige the Nation.

But, the Nation was no Ways pleased with this Piece of Pageantry; the Money which had been squeezed, as it were out of every one's Purfes, was given and granted for a quite different Purpose than to be spent in a pompous Parade. A War with *France*, on the old Quarrel, was what all wished for; and it was with great Difficulty, that *Edward* prevented his chief Ministers from being call'd to an Account, at his Return; being greatly suspected that they had been touched with *French* Gold, in order to advise him to consent to a Peace (r). An Historian remarks, 'That
' surely, there is some in-born Malice, rancoring
' in the Genius of our Nation, against the
' *French*; the *Saxon* Government having once
' received a final Overthrow from them, in the
' Conquest of Duke *William*. Or else, it would
' be a Wonder why the *English* were never spar-
' ing of their Lives or Treasure, when any War
' was to be advanc'd against the *French* (s).'

The King was in his Nature so liberal to those who had any Ways befriended him, that he soon got quit of all the Treasure that was left after his *French* Expedition. And, knowing well the Fickleness of the Nation; how prone they were to raise Insurrections, and how fond of Novelties; he durst not call a Parliament to lay on any new Subsidy, but took other very different Ways to restore his Treasury. Under the Force of a Statute, which had been passed in Parliament, he first took into his own Hands all the Revenues of the Crown,

The King's Method of raising Money, to avoid calling a Parliament.

(r) *Philip de Commynes* expressly says, That they were all at that Time Pensioners to *France*; and that the King of *England* lost more Credit, amongst his own Subjects, by this Peace, than he had gained Honour by the nine former Victories he had won. *Livre IV. Chap. X.*

(s) *Habington* in *Kennet* 461.

King Edward IV. to whomsoever alienated, and applied them to defray the Expences of the State. Next, he fix'd, in every Part of the Kingdom, Collectors of the Customs, Men well qualified for their Offices, and who were hard enough on the Merchants. He loaded many Ships of Burthen, with the finest Wools, Cloth, Tin, and other Commodities of the Kingdom, and, like a meer Merchant, traded to *Italy* and *Greece* with them, and had, in Exchange, the Product of those Countries. The vacant Bishopricks, which had fallen into his Hands, and which, by *Magna Charta*, he could not make Sale of, he granted no Restitution of the Temporalities under a fixed Price. The Registers and Rolls of Chancery were strictly searched; and whosoever he found had entered upon their Estates, without due Form of Law, he made them pay large Fines for their Titles. These and such like Kinds of Snares, which a cunning Fowler could possibly invent, he put in Practice; add to this, the ten Thousand Pounds a Year, by Treaty, from *France*; with the Tenths of all Church Livings, from the Payment of which no Bishop or Clergyman could get excused, in a few Years filled the King's Coffers, and made him one of the richest Princes of that Age. Infomuch, adds our Authority, that for Vessels of Gold and Silver, for Tapestry, for precious Ornaments, Robes and Vestments, for building of Castles, Colleges, and other famous Places, none of his Ancestors could be compared to him (*t*).

By these Means we may suppose the King subsisted himself, and discharged the necessary Expences of the State, without laying any general Tax on his Subjects, or having occasion to call a Parliament for some Time. For it was not till near three Years after the last Parliament was dissolv'd, that we meet with any Account of another; but no Writs of Summons are given to it, either in *Dugdale* or *The Abridgement*. The last Authority, however, mentions the Proceedings

(*t*) HIST. CROYL. Cont. 559.

Proceedings of a Parliament, held at *West-* King Edward IV.
minster, on the 16th Day of *January*, in the
17th of King *Edward* the IVth; and our *Sta-*
tute-Books, by a Recital of several Acts there
made, confirm it.

At the Time appointed, the Parliament met Anno Regni 17.
at *Westminster*; when *Thomas Rotheram*, Bishop 1477.
of *Lincoln*, in the Presence of the King, Lords, At Westminster,
and Commons, in the *Painted Chamber*, de-
clared the Cause of the Summons, under this
Text, *Dominus regit me, et nihil Mihi deerit.*

Upon which he largely treated ‘Of the Obe-
dience which Subjects owe to their Prince; and
shewed, by many Examples, out of the Old
and New Testament, what grievous Plagues
had happen’d to the Rebellious and Disobedient;
particularising that Saying of St. *Paul*, *Non sine*
Causa Rex Gladium portat. He added, that the
Majesty of the King was upheld by the Hand
and Counsel of God, by which he was ad-
vanc’d to the Throne of his Ancestors.’ And
concluded with observing, ‘That under the Per-
son of the King, with the Persons of the Bishops
and Lords, and under those of the Commons,
Si Dominus regit me nihil Mihi deerit, sed in
Loco Pascuæ illos collocabit.’ Then he directed
the Commons to choose their Speaker, amongst
themselves, as usual, and present him to the
King; who next Day presented *William Alling-*
ton, Esq; for that Office, who was allowed
accordingly.

William Alling-
ton Esq; chosen
Speaker.

The first Thing we find is a Creation exem-
plified of *Richard*, the King’s second Son, being
thereby made Duke of *York* and *Norfolk*, Earl
Marshal of *England*, Earl of *Warren* and *Not-*
tingham. Likewise, that the King had appointed
his said Son to marry with *Ann*, the Daughter and
Heir to *John* late Duke of *Norfolk*, the said *Ann*
being then but six Years of Age and the Prince
about the same. On this Declaration an Act was

The King’s se-
cond Son created
Duke of York,
&c.

King Edward IV. made, that, if the said *Ann* should happen to die, before she had Issue by the said Duke of *York*; that then the said Duke should enjoy, during his Life, several Baronies, Honours, Castles, Manors, Knights Fees, and other Hereditaments by Name, in *Wales*, *Suffex*, and other Countries, Parcel of the Inheritance of the said *Ann*. A Confirmation of the Jointure, rated by Particulars, to *Elizabeth* Duchess of *Norfolk* late Wife to *John* Duke of *Norfolk*; all which Premisses, with all other Reversions of the said Duke, were granted and confirmed by Parliament to the said Duke of *York*, during his Life; in which are included some Provisions for the Lord *Howard*, the Lord *Berkeley* and others.

The Exchange of the Castle and Manor of *Elvel*, in *Wales*, belonging to *Richard* Duke of *Glocester* and *Ann* his Wife, for the King's Castle and Manor of *Wigmore*, in the same Country, &c. was confirmed by Parliament. As, also, some other Privileges were granted to the said Duke.

And whereas the King had created *George Nevile*, the Son of *John Nevile* late Marquess of *Montacute*, Duke of *Bedford*; the King, by Authority of Parliament, revoketh the said Creation, and all other Titles and Honours, as well from the said *George* as from the said *John*.

Nevile, Duke of
Bedford's Title
revok'd.

It is necessary to expatiate a little upon this extraordinary Act of Revocation. *John Nevile*, second Son to *Richard* Earl of *Salisbury*, and Brother to the famous Earl of *Warwick*, for his good Services to the House of *York*, had been created Marquess of *Montacute*, or *Mountague*, by King *Edward IV.* and had several large and rich Manors given him. Historians are far from being clear in the Character of this Nobleman; it is said that when his Brother the Earl of *Warwick* deserted the Interest of the Duke of *York*, he did the same, and raised Forces in the North, and that by both *Edward* was driven out of the Kingdom. In the Parliament called on the Restoration of
Henry

Henry VI. the same Authorities assure us, that *King Edward IV.* the Marquess came to it, and with many Words endeavoured to excuse his having formerly acted for *King Edward*; urging, that it was really the Fear of Death only that oblig'd him to it; on which he obtain'd his Pardon, and was put upon the same Footing, for Friendship, with his Brother. But, adds one, if he had stood firm to *Edward*, he had done *Henry* less Harm, as an open Enemy, than a treacherous Friend; because, those we are aware of seldom greatly hurt us (*a*). For within a short Time after, *King Edward* returning, this *John* privately held a Correspondence with him; and being then with a large Army at *Pontefract*, he suffer'd *Edward* to pass by him without any Molestation. That afterwards he outwardly made a Shew of joining with his Brother the Earl of *Warwick*, and the rest of the *Lancastrians* at *Barnet*, but that he privately got on *King Edward's* Livery, in order to take his Part; which being discern'd by some of his Brother's Servants, they forthwith fell upon him and killed him (*b*). These last Particulars are only mention'd by *Dugdale*, who quotes *Leland's Collectanea* for his Authority; but, if this had been true, his Son *George*, without the highest Ingratitude, had never suffered as above. For we are told, that by his Father's Attainder, at this Time, he was deprived of sufficient Livelihood; and losing all his own Honours and Titles also, he retired to *Sheriff Hutton Castle*, in *Yorkshire*, where, *Anno 1483*, i *Edward V.* he died.

The Earl's other Brother, *George Nevile*, Archbishop of *York*, famous for his extraordinary Installation-Feast, lived some Time quietly under *Edward's* Government. But the King

Z 2

growing

(*a*) Porro si is cum Edwardo stetisset, Dubio procul minus Hostis quam fucosus Amicus læsisset; quoniam quæ cavemus raro baudve graviter nocent

POL. VERG. p. 522.

(*b*) DUGDALE's Baronage, Vol. I. p. 308. from *Leland*.

King Edward IV. growing jealous of him, at last seized on his Person and Effects by a Stratagem, and sent him Prisoner to the Castle of *Guisnes*, where he soon after died. Thus the Crime of double Perfidy was amply reveng'd by the Destruction of this whole noble Family. But to return to our Parliamentary Proceedings :

To soften the Rigour of the last Sentence, we find that some others, who had been attainted, were pardoned and had their Estates restored to them. The principal of which was Sir *Thomas Vere*, Knight, Brother to *John* late Earl of *Oxford*, which Family had been strongly attach'd to the House of *Lancaster* ; for, even after the Battle of *Tewksbury*, the said Earl and his Brothers retir'd to *St Michael's Mount* in *Cornwall*, and held it out against King *Edward* some Months. The Earl himself, however, suffered severely ; for tho' he was pardoned as to his Life, in the Parliament of the 12th of this King, yet he was made a close Prisoner, in the Castle of *Guisnes*, and continued so to the last Year of *Richard* the Third. In all which Time his Lady was never suffered to come to him, nor had any Thing allow'd her for Maintenance ; but lived upon the Charity of well dispos'd People, and by what she could earn with her Needle, or other feminine Employments (c).

We must not omit another Remark, viz. that the Process and Judgment against another Lady, called in the Record *Anchenette Twindowe*, for poisoning *Isabel*, late Wife to *George* Duke of *Clarence*, and for which the said Lady had suffer'd Death at *Ware*, the Year before, were utterly repealed by this Parliament : Probably it being found a wrong Accusation, this was to make some Amends to her Family.

On the Petitions of the Commons some useful Acts were made this Parliament ; as, ' That all
Iris

(c) *FABIAN'S Chron.* Fol. cc,xxix.

‘ *Irish* Money should be prohibited in this King- King Edward IV.
 ‘ dom. That it should be Felony to carry out
 ‘ of *England*, or *Wales*, any Coin of this Realm,
 ‘ or any Plate, Bullion, Jewels of Gold or Silver,
 ‘ without the King’s Licence, &c. An Act a- Several useful
 ‘ gainst unlawful Games, such as are there call’d Acts passed.
 ‘ *Klosse*, *Half-bowle*, *Rayles*, *Hand in Hand*,
 ‘ or *Quechbord*, on Pain of two Years Imprison-
 ‘ ment and Forfeiture of Forty Pounds; and
 ‘ whosoever should suffer any other Person to
 ‘ play at such Games in his House or other Place,
 ‘ shall suffer three Years Imprisonment and forfeit
 ‘ twenty Pounds. A long Act for regulating
 ‘ Apparel, which had then grown to a very great
 ‘ Extravagance. An Act was made to repeal a
 ‘ Parliament holden *Anno* 9, *Edward* IV. [or
 ‘ *Anno* 48, *Henry* VI.] with all the Acts there-
 ‘ in made, and their Exemplifications (*d*).’ Last-
 ly, *The Abridgment* mentions an Act to conti-
 nue only to the next Parliament, ‘ To oblige all
 ‘ *Irishmen* born, or coming of *Irish* Parents, who
 ‘ reside in *England*, either to repair and remain
 ‘ in *Ireland*, or else to pay yearly a certain Sum,
 ‘ there rated, for the Defence of the same.’ Also,
 ‘ That an Ordinance was made for *John*
 ‘ *Atwill*, a Burgefs, in this Parliament, for the
 ‘ City of *Exeter*, (who had been condemn’d in the
 ‘ *Exchequer*, on eight several Informations, at the
 ‘ Suit of *John Taylor*, of the same Town,) to have
 ‘ as many *Supersedeas*, as he pleased, until his com-
 ‘ ing to his own Home’. An Act of Privilege direct-
 ly in the Face of the other Courts of Justice, and
 is somewhat extraordinary at that Time.

The Reader may observe that no Supply was
 either asked or granted this Parliament; some o-
 ther Necessities of State requiring this Meeting;
 and the King still subsisting himself on his own
 Revenues.

About this Time a Discord arose between the
 Z 3 King

(*d*) See before in this Volume, p. 334.

King Edward IV. King and his Brother *George*, Duke of *Clarence*; which ended in the Destruction of the latter.

A Quarrel between the King and his Brother *George* Duke of *Clarence*.

'It was observ'd, says the *History of Croyland* (e), that the Duke withdrew himself, by little and little, from the King's Presence; in Council he would scarce speak a Word, nor would he willingly either eat or drink in the King's Palace. This Coldness in the Duke was thought by many to proceed from the general Resumption of Crown Lands, which, as has been said, the King had practised; by which the Duke had lost the noble Lordship of *Tutbury*, and several other Lands which the King had formerly given him. Add to this, that on the Death of *Charles* Duke of *Burgundy*; *Mary*, his only Daughter and Heir, by *Margaret*, King *Edward*'s Sister, was designed by her Mother to be given to *Clarence*, his own Wife being newly dead; but the King, says our Authority, not willing his ungrateful Brother should gain such a Fortune, impeded the Match so much, that it never took Place; and the young Lady was afterwards married to the Emperor of *Germany*'s Son, *Maximilian*. The Duke's Anger, was by this Usage much more raised against the King; and they began to regard one another with no brotherly Aspects. Besides, Flatterers and Tale-bearers, who always haunt the Courts of Princes, by carrying and repeating Stories, made the Matter still worse between them. But the Reason of the Duke's Imprisonment is said to be this; one *John Stacey*, whom our Author calls an Astronomer and a great Necromancer, was joined in Confederacy with *Thomas Burdet*, Esq; one of the Duke's Servants; and they were accused of compassing the Death of *Richard* Lord *Beauchamp*, at the Instigation of his Wife, an Adultress, by making of Leaden Images, and other Things to that Purpose. *Stacey* having pass'd a severe Examination, on the exercising

(e) HIST. CROYL. Cont. 561, 562.

exercising this damnable Art, says the Monk, King Edward IV. confest many Matters both against himself and against the said *Burdet*, who was thereupon taken up. They were both tried in *Westminster-Hall*, at the Bar of the King's Bench, most of the Lords Temporal sitting with the Judges, where they were found guilty and condemn'd to suffer Death for it. Being drawn to *Tyburn*, and permitted to speak what they pleased; *Stacey* said little, but *Burdet*, with great Boldness and many Words, declared his Innocence, and ended his Discourse, adds the Monk, with these Words of *Susanna*, 'Ecce morior, cum nihil horum fecerim (f).' Two of the latter's Confederates executed, avowing their Innocency.

The next Day the Duke of *Clarence* came into the Council Chamber, at *Westminster*; and brought with him a famous Divine, of the Order of *Minorets*, who had taken the Confession and Declaration aforesaid, and repeated it to the Lords of the Council; which, as soon as he had done, the Duke withdrew. The King was at that Time at *Windsor*, and when he was told this Affair, he fell into a vehement Passion at his Brother; and recollecting in his Mind all the Informations he had receiv'd against him, he summon'd him to appear before him on a Day appointed, in the Palace at *Westminster*, when the Lord Mayor and Aldermen

(f) This *Burdet* is the Man whom all our later Historians particularly mention for being executed on a very trivial Accusation. King *Edward*, in some Progress that he made, took Occasion to hunt in this Gentleman's Park; and amongst several Deer that he kill'd, shot a white Buck, which the Squire much valued. And saying that he wish'd the Horns of the Buck in that Man's Belly who advis'd the King to kill him: This was construed as wishing the Horns in the King's Belly, and he was executed for it. Our Cotemporary Historians, from whom we have quoted, mention nothing of this Buck-Affair; and old *Stowe* says, expressly, that he was accus'd of Poisoning, Sorcery, and Inchantment, heinous Crimes in those Days to be even suspected of; for which he was attainted by Parliament, drawn to *Tyburn*, and there beheaded. This may therefore be look'd upon as one of the partial Strokes at the House of York, by the *Lancastrian* Writers who succeeded.

STOWE'S Chron. p. 430.

King Edward IV. Aldermen of *London* were present; and there the King, with his own Mouth, 'accused the Duke of many Articles, particularly the last mentioned; aggravating it vehemently against him, and charging the Duke with stigmatising him as a Reprobate to the Laws of the Land, and that his Judges and Juries were equally unjust. Upon which the Duke was sent Prisoner to the Tower, from which Imprisonment Death only freed him.

The Duke himself tried, condemned and executed.

What follow'd in the next Parliament, still adds our former Authority, '*Mens refugit enarrare*;' since it was a melancholy Sight to see such Discord arise between two Persons so near akin in Humanity, for no one charged the Duke but the King, nor no one answered the King but the Duke. Some, however, were produced, of whom it was much doubted, whether they came as Accusers of the Duke, or Evidences for him. The Duke answered all Objections to his Conduct, by a flat Denial; offering, if it might be granted, to defend his Cause by Combat. *Quid multis immorer?* the House of Lords were of Opinion that the Evidence against the Duke was sufficient; and therefore proceeded to Condemnation, the Sentence of which was pronounced by Henry Duke of *Buckingham*, for that Time made Lord High Steward of *England* (g). Execution, however, was delay'd, 'till the Speaker of the House of Commons and his Brethren were called before the other House, when a Rehearing of the whole Matter was made before them. The Consequence of all which was, that the Duke was put to Death, within the Tower of *London*, in a few Days; but what Kind of Death he suffered is unknown, *Utinam Finis mali* (h). This is the honest

(g) Sir William Dugdale says, that the Duke was not attainted in Parliament till after his Death; but the Authority afore-quoted, which proves to the contrary, is not to be contradicted.

DUGDALE'S *Baronage*, Vol. II. p. 164.

(h) Most Authors agree that he was drown'd in a Butt of *Malmesey* Wine.

honest Monk's Prayer, at the End of his King Edward IV.
Tragic Story. And a superstitious Person would
be apt to believe that he had either foresaw, or
dreaded, some future Mischief might happen, as
indeed it did, to the two Children of this unfortu-
nate Prince, *Edward* Earl of *Warwick*, and
Margaret Countess of *Salisbury*; both born, says
an Historian, under the same malevolent Constel-
lation with their Father, for he lost his Head in
Henry the VIIth's Time, and she hers by Com-
mand of *Henry* the VIIIth (i).

We have chose to translate all the abovesaid
Account from the Cotemporary History before
quoted; as the best Authority we can give of this
extraordinary Proceeding. Add to this, that all
our ancient Chronicles, are express that the Duke
was condemn'd by Parliament; and yet there is
not one Word of it, or of any Parliament being
summon'd at that Time, to be found on Record.
It is probable, that the great Grief, which all
agree the King express'd afterwards, for suffering
himself to be hurried away by Prejudice and Passi-
on against his Brother, was the Occasion that the
Process was kept out of the Records.

But the particular Writer of this King's Life is
more explicit; and hath not only laid the Death
of the Duke of *Clarence* to the evil Machinations
of his Brother *Glocester*, but hath also given us the
Sum and Substance of the Bill of Attainder against
him; which, as it lays the Matter fully open,
we shall give in his own Words as follows (k):

‘ In his Attainder, according to the Form, are The Form of At-
tainder against
him.
‘ Crimes enough to make his Death have Appea-
‘ rance of Justice, the Execution of which the King
‘ seem'd rather constrain'd to, than to have sought.
‘ For there are reckon'd up, How the Duke of
‘ *Clarence*

(i) BIONDI. Vol. II. p. 66.

(k) Mr *Habington* seldom quotes his Authorities; but this is
most certainly taken from old *Stowe*, who says he has read the
Attainder. *Chron.* p. 430.

King Edward IV. ‘ *Clarence*, to bring the present Government in-
 ‘ to Hatred with the People and thereby the
 ‘ present State into Trouble, had not only in his
 ‘ Speeches frequently laid Injustice to the King’s
 ‘ Charge in attainting *Thomas Burdet* falsely, con-
 ‘ vict of many notorious Treasons; but suborn’d
 ‘ many of his Servants and divers others, cor-
 ‘ rupted with Money, to divulge the like sedi-
 ‘ tious Discourses: That he had spread Abroad
 ‘ impious Rumours that the King dealt by Necro-
 ‘ mancy; and that, upon Offence against such of
 ‘ his Subjects whom by Order of Law he could not
 ‘ destroy, he was accusom’d to take them away
 ‘ by Poison: That he had not rested there, but
 ‘ thereby to advance himself to the Kingdom,
 ‘ and for ever to disable the King and his Poste-
 ‘ rity from the Crown, he had contrary to Truth,
 ‘ Nature and Religion, Viper-like destroying her
 ‘ who gave him Life, publish’d that the King
 ‘ was a Bastard and no Way capable to reign:
 ‘ That to make this his so monstrous Ambition
 ‘ more successful, and already to begin his Usur-
 ‘ pation, he had caus’d many of the King’s Sub-
 ‘ jects to be sworn upon the most blessed Sacra-
 ‘ ment to be true to him and his Heirs, without
 ‘ any Exception of their Allegiance; after which
 ‘ so solemn Oaths, he discover’d to them his Re-
 ‘ solution to right himself and his Followers, who
 ‘ had both suffered by the King’s violent wrest-
 ‘ ing away their Estates; and in particular to
 ‘ revenge himself upon the King, who (as he
 ‘ most impiously and falsely suggested) had by
 ‘ Art-Magick contrived to consume him as a
 ‘ Candle consumeth in burning. And, what
 ‘ most express’d the Treason of his Designs, that
 ‘ he had got out an Exemplification under the
 ‘ great Seal of *Henry VI.* late King; wherein was
 ‘ shewed how by the Parliament it was enacted,
 ‘ that if the said *Henry* and *Edward* his Son should
 ‘ die without Issue-male, the Kingdom should de-
 ‘ scend upon the Duke of *Clarence* and his Heirs;
 ‘ whereby

‘ whereby clearly appear’d his Intention, imme-
 ‘ diately to possess himself of the Crown, with
 ‘ Destruction of King *Edward* and his Children,
 ‘ by Pretence of a general Election of the Com-
 ‘ mon-wealth. This was the Sum of his Attain-
 ‘ der, which we may well believe had not so easi-
 ‘ ly past but by the King’s publick declaring him-
 ‘ self; the secret working of the Duke of *Glou-*
 ‘ *cester*; and the passionate urging of the Queen’s
 ‘ Kindred. But this Attainder hath in it one
 ‘ Thing most remarkable, that *Clarence* here falsly
 ‘ was accused of laying Bastardy to the King, to
 ‘ endeavour Possession of the Crown; which
 ‘ afterward was alledg’d indeed by *Richard*, Duke
 ‘ of *Gloucester*, to the absolute Disinherit of the
 ‘ King’s Sons.’

King Edward IV.

His Death charg-
 ed on his Brother
 Richard Duke of
 Gloucester.

It was not till five Years after the Dissolution
 of the last Parliament, that we meet with another
 on Record, which was summoned by Writs,
 dated at *Westminster*, Nov. 15th, in the 22d and
 last Year of this King, to meet at the same Place,
 on the 20th of *January* following. The first
 Writ to the Peers, was directed to his most dear
 first born Son, *Edward* Prince of *Wales*, &c. and
 the next to the King’s other Son, *Richard* Duke
 of *York*.

Anno Regni 22.
 1482.
 At Westminster.

Being all assembled on the Day appointed, the
 Archbishop of *York*, *Thomas Rotheram*, Lord
 Chancellor, opened the Session, by a Speech on
 this Subject, *Dominus Illuminatio mea & Salus*
mea. After which he directed the Commons to
 chuse a Speaker; who, the next Day, presented
John Wood, Esq; for that Office.

John Wood, Esq;
 elected Speaker.

The first Thing, on Record, which was done
 in this Parliament, is, that the House of Com-
 mons voted a Supply; and by the Consent of
 the Lords Spiritual and Temporal, a *Tenth* and
 a *Fifteenth*, to be levied on the Laity, was grant-
 ed; except a Deduction of 6000 *l.* to be bestow-
 ed on decay’d Towns. Also, a yearly Subsidy
 to

A Subsidy.

King Edward IV. to be levied on all Strangers, as well Denizens as others. And,

At the Request of the Commons, in Recompence of the above Grant, the King commanded that all the Statutes, concerning Weights and Measures, Labourers, Beggars, and Vagabonds, should be proclaimed and duly observ'd.

A yearly Rent, or Annuity, out of the King's Customs and other Revenues, amounting to the Sum of 11,000 *l.* was settled, by Parliament, for defraying the King's Household Expences.

The rest of the Business transacted in this Parliament, which *The Abridgement* gives us, was chiefly Gifts and Exchanges of Manors and other Hereditaments, in the Duchies of *Cornwal* and *Lancaster*, which would be too tedious to mention. Except, that a very large Grant to *Richard* Duke of *Glocester*, of the Wardenship of the *North-Marches*, together with the Castles, Towns, Lordships, Customs, and Fee-Farm of *Carlisle*, and *Newcastle*; with several of the King's Hereditaments, belonging to the Duchy of *Lancaster*, in *Cumberland*; and several Countries and Lands within *Scotland* there mentioned, and some Royal Prerogatives within the same, to hold the same of the King by Knight's Service, was confirm'd by Parliament. This extraordinary Grant, with what has preceeded, were but too ungratefully repaid, as will appear in the Sequel. Also,

In some Grants, Leases and Releases made between the King, the Abbot of *St. Mary's, York*, and the Prior of *St. John's of Jerusalem*, confirmed by this Parliament, Mr. *Prynne*, the Publisher of *the Abridgement*, remarks, ' That in all
' these Grants, as well of the said Abbot, as the
' said Prior, they severally stile the King by these
' very Words, *Supremus Dominus noster Edwardus*
' *quartus, Rex*. At which time, adds he, if there
' was any Pope, either his Power here was very
' little, or else not much regarded.'

Some

Some Acts are, also, in the *Statute-Books*, King Edward IV. made this Parliament, for the Advantage of the Publick, to which we refer; and shall only mention one, by which all former Statutes made, touching the Excess of Apparel, were repealed. And, what kind of Apparel, Temporal Men, of every Degree and Estate, were allowed to wear. A sumptuary Law.

Also, ‘ That none, under the Degree of a Lord, except certain Persons particularly named, shall wear any Gown, or Mantle, unless it be of such a Length, that a Man standing upright, it shall cover his privy Members and Buttocks (1).’

But, though our Records inform us of no public Affairs being transacted this Parliament, yet the *History aforementioned* is not so silent: That Authority tells us, ‘ That *Edward’s* foreign Negotiations were driven to a very disagreeable Crisis. He now found out, that *Lewis* the *French* King, had long made his Game of him; and, at present, seemed so much to despise his Power, that he not only withdrew the annual Tribute; but, actually forbid the Marriage of the Dauphin with the Princess *Elizabeth*, *Edward’s* eldest Daughter, tho’ they had been solemnly contracted: That the *Scots*, having a Mind to break the Truce, first, despised the Match that was agreed upon between their King and *Cicely*, another Daughter of *Edward’s*, and then openly espoused the Cause of *France*. Other foreign Concerns relating to his Friend the Duke of *Austria*, gruelled him; nor were his domestic Affairs in any profound Degree of Tranquillity. Under these Dilemmas, adds The King greatly distress’d. our Author, he found himself necessitated to call a Parliament, to whom he opened the Cause of his Troubles, and the fraudulent Usage he had met with from the Powers above mentioned; and begg’d of them to assist him to revenge the Affront. Nevertheless, he durst not, *says the Monk*,
ask

(1) STATUTES AT LARGE, Anno 22. Edward IV. Cap. 1.

King Edward IV. ask any Subsidy from the Commons; but took more Freedom with the Clergy, to whom he told his Necessities, in a kind Manner; and they, with

The Clergy grant him a Tenth. as much Benignity granted a *Tenth*; and were so complaisant to him, that whatever the King ask'd they granted. Here the Monk falls into an Exclamation against such Practices; which because it is singular in its Kind, we shall give in his own Words.

O servile, pernitiosum Exitium Ecclesiæ! Avertat Deus, ab omnibus Regum succedentium Animis, Factum ejusmodi in ullam trahere Consequentiam; ne forsan ipsis ea Mala, sive deteriora, excogitare possint, eveniant, quæ mox huic Regi, & suæ clarissimæ Posteritati, miserabiliter evenerunt (m).

The *Abridgment of the Records* hath given us the Names of the Peers summoned to attend a Parliament at *Westminster*, *January* the 20th, in the twenty-third Year of this King. But there are no Proceedings of such a Parliament, on Record; it is probable they never met, being prevented by the last Sickness and Death of the King, which happened soon after. For he died at his Palace of *Westminster* the 9th Day of *April*, Anno 1483, and the 23d Year of his Reign.

The Death of Edward IV.

The intestine Troubles that were on Foot, in this Kingdom, when this Monarch began his Reign; and which continued, by Intervals, during the greatest Part of it, yields but small Matter for these Parliamentary Enquiries. And, indeed, when *Edward*, by many Victories, had at length subdued all his Enemies, we find but very few Parliaments called, in proportion to some former Reigns. It is probable, that this King had taken some Disgust against these Assemblies, by observing that they ever declared on the strongest Side; a flagrant Instance of which was, the Recognising and Swearing to defend two opposite Titles, in less than the Space of six Months (n). It is true, that the Kingdom had been wasted, to the very Bones,

as-

(m) HIST. CROYL. Cent. 563.

(n) See p. 334, 339.

as it were, by the great Depredations, always consequential to Civil Wars; and the Commons left in so poor a Condition that they were little able to grant Supplies. This might be another Reason why this King chose not to oppress them by Taxes; but to support himself on the Revenues of the Crown, his own paternal Estate, Benevolences from the Rich, and the Returns of Money he must necessarily acquire by Traffick in his mercantile Affairs. In relation to Trade in general; though the Reader may observe that many good Acts were made in this Reign to encourage it, particularly the Woollen Manufactory; yet, most Authors have accused this King of a very false Step, in making a Present to the King of *Spain* of some *Cotswold* Sheep; the Breed of which have been very detrimental to that last-named natural Branch of Trade ever since. But one old Historian (o), has in some measure cleared him from that Aspersions; by observing that long e'er this, Sheep must have been common in *Spain*, as is apparent by a Patent, granted by K. *Henry II.* *An.* 1185, in the 31st of his Reign, to the Weavers of *London*, that if any *English* Cloth was found to be mixed with *Spanish* Wool, the Mayor of *London* should see it burnt.—Thus much we have thought proper to say at the Conclusion of this Reign; but as to the Virtues and Vices of King *Edward IV.* in a more general Way, we leave them as they were; since it is well known, that the good and bad Characters of this Prince is sufficiently discuss'd by other Historians.

(o) J. STOWE, P. 419. A League of Friendship and Commerce having been ratified between King *Edward*, Henry King of *Castile*, and John King of *Arragon*; the former judging it very beneficial to *England*, made the latter a Present of these Sheep. *Anno* 1465.

*TAXES during the Reigns of King Henry VI.
and King Edward IV.*

In the First Year of *Henry VI.* the Commons, with the Assent of the Bishops and Lords, granted to the King the same Subsidy on Woollen or Staple Wares, Tunnage and Poundage as formerly, for two Years to come.

In his Second Year the same Tax was renew'd.

In his Third Year the former Subsidies on Wools was granted for three Years longer; and Tonnage and Poundage for one Year; upon Condition, that foreign Merchants should be strictly looked to for their Duties.

In his Fourth Year the same Subsidy on Wools, &c. with Tonnage and Poundage, was granted for two Years, as in the preceeding Parliaments.

In his Sixth Year the Parliament granted a Subsidy of 3 s. a Tun for all Wine imported, and 1 s. in the Pound for all Merchandize. Besides this, there was a kind of a *Poll-Tax* on every Parish that was worth ten Marks *per Annum*; ten of the chief Parishioners were to pay 6 s. and 8 d. a Head. And in every Parish worth 10 l. a Year, the like Number of Parishioners were each to pay a Mark. In all Corporations, every Person worth above 20 s. besides his Apparel and Household Goods, was to pay 4 d. each to the King; and so proportionably for every twenty they were worth more.

In his Eighth Year a Supply was granted of one whole *Tenth* and one *Fifteenth*, to be levied on the Laity. The Commons, at the special Instance of the Bishop of *Winchester*, just then made a Cardinal, granted another *Tenth* and a *Fifteenth*, to be levied as above. They, also, gave the King a Grant of Tunnage and Poundage, to continue till the next Parliament.

In the same Session they gave the King the same Subsidy on Wools, as was granted in former Parliaments,

Parliaments, for two Years. And at the same Time, they consented to shorten the Payment of the last *Tenth* and *Fifteenth*, to relieve the pressing Necessities of the State.

In his Ninth Year the Parliament granted a Supply of one *Tenth* and one *Fifteenth*, and a third of both. They, also, gave Tonnage and Poundage for two Years, with a Subsidy of the like Value on all Merchants Aliens, over and above the said Tonnage and Poundage. The Commons, also, granted to the King 20 s. from every Layman holding a Knight's Fee, and according to the Value under or over. The same from the Clergy for all Lands purchased since the 20th *Edward I.* And that all other Persons, having Hereditaments to the Value of 20 l. over all Reprises not held as above, shall also pay 20 s. and so according to Rate: But this was afterwards given up by the King.

In his Tenth Year he had one *Tenth* and half a *Fifteenth*; also one Year's Subsidy on Wools, and the same Tonnage and Poundage, as in the last Parliament. But he releas'd the Increase of Six-pence in the Pound on Merchant-Strangers.

The next Year the Parliament granted a *Tenth* and a *Fifteenth*, to be levied on the Laity. They likewise granted the same Tonnage and Poundage given the last Year, for two Years to come; as, also a Subsidy of 53 s. and 4 d. on every Sack of Wool for three Years ensuing; and besides this a Vote of Credit of 100,000 Marks.

In his Fourteenth Year a very unusual Subsidy was granted, viz. That every Person holding any Frank Tenant in Lands, Annuities, Fees, Offices, or Hereditaments, above the yearly Value of 5 l. should pay 6 d. for every Pound, upon his Oath; and a *Tenth* and a *Fifteenth* was granted on the Laity. A Subsidy, also, on every Sack of Wool; 33 s. 4 d. from Merchants Denizens, and 46 s. 8 d. from Aliens; and so according to

that Rate on other Staple Ware, with Tonnage and Poundage for two Years.

In his Fifteenth Year the Subsidies granted were the like *Tenth* and *Fifteenth*, as in the last. Also, the same Subsidy on Wools, &c. was granted for three Years to come.

In his Eighteenth Year a *Tenth* and a *Fifteenth*, and half a *Fifteenth*, was granted to be levied of the Laity, as in his fourth Year. An Impost on Wools was also granted for three Years; and that all Aliens, not Denizens, within the Realm, should pay to the King yearly 16 *d.* for each, being an House keeper; being none 6 *d.*

In his Twenty-third Year a *Tenth* and a *Fifteenth*, and a half of both, was granted by Parliament. A Subsidy also of 34 *s.* 4 *d.* of Denizens, and 53 *s.* of Aliens, for every Sack of Wool, &c. with Tonnage and Poundage of Denizens, and double of Aliens, was granted to the King for four Years.

In his Twenty-seventh Year a Grant of a *Tenth* and half a *Fifteenth*, to be levied on the Laity, passed both Houses; with a Grant, also, of Tonnage and Poundage, for five Years to come, on all Merchants whatsoever, with an Addition of 3 *s.* more on Aliens, as well of the *Hans-Towns* as otherwise. Another Grant was also made of half a *Tenth* and a whole *Fifteenth*. Likewise a Poll-Tax was again renewed and granted to the King of 16 *d.* to be taken of every Householder within the Realm, not born within the King's Dominions, and 6 *d.* of every other Person so born, and no Householder; with 6 *s.* and 8 *d.* of every Merchant-Stranger, and 20 *d.* of their Clerks. Lastly, the like Subsidy on Wools was granted for four Years, as before.

The next Year the following Subsidy was granted, *viz.* That every Person having by free Deed, Copy, Grant of Annuity, or Office, the clear Yearly Value of 20 *s.* in Frank-Tenement should

should pay 6 *d.* and so from 20 *s.* to 20 *l.* From 20 *l.* to 200 *l.* Yearly, 12 *d.* in the Pound: From 200 *l.* and upwards 2 *s.* for every Pound, as well Laity as Clergy; Guardians of Wards, Men having Fees, and all Corporations to pay accordingly.

In his Twenty-ninth Year he had a Grant of 20,000 *l.* out of the Customs of *London* and *Southampton*; and a very extraordinary Monopoly was granted in order to raise Money.

In his Thirty-first Year the Commons granted one *Tenth* and one *Fifteenth*; likewise Tonnage and Poundage during his Life. For the same Term 53 *s.* 4 *d.* for every Sack of Denizens, and 5 *l.* from Aliens, and so for other Staple-ware in Proportion. Likewise, every Merchant, not born within the Realm, and no Denizen, and keeping House, 40 *s.* and of every such Merchant, as shall remain within the Realm but six Weeks, 20 *s.* And of every Merchant alien, being no Denizen, 13 *s.* 4 *d.* Yearly, during the King's Life.

Edward IV. had no Subsidy granted him till the third Year of his Reign, when the Parliament gave him an Aid of 37,000 *l.* to be levied according to a certain Rate: But he afterwards releas'd 6000 *l.* of the said Grant.

The next Year he had Tonnage and Poundage of every *English* Merchant, for every Sack of Wool 33 *s.* and 4 *d.* For every 240 Wool-fels 33 *s.* 4 *d.* For every Last of Hides 3 *l.* 6 *s.* 8 *d.* And of every Merchant-Stranger, whether Denizens or not, for every Sack of Wool 3 *l.* 6 *s.* 8 *d.* For every Last of Hides 3 *l.* 13 *s.* 4 *d.* For every 240 Wool-fels 3 *l.* 6 *s.* 8 *d.* And all this was granted him for his Life.

In his Eighth Year he had a Subsidy of two *Tenths* and two *Fifteenths*, to be levied on the Laity. This Year *Henry VI.* was restor'd; but soon after *Edward* recover'd the Crown: And,

In his Twelfth Year the Commons voted a
A a 2 Supply

372 *The Parliamentary History*

Supply of 14,000 Archers at their own Cost, the same to be levied according to a Proportion out of all Lands and Tenements. The Lords also tax'd themselves, by way of Grant, unto the King, towards furnishing the Forces aforesaid, the *Tenth* Part of one whole Year's Revenue of their Lands and Possessions.

In his Thirteenth Year the Commons granted the King one *Tenth*, and one *Fifteenth*.

The next Year a Subsidy was granted by the Commons of one *Tenth* and one *Fiftieth*; also 51,117 l. 4 s. 7½ d. for the Wages of the 14,000 Archers voted in his twelfth Year.

In his Fifteenth Year, he had a *Tenth*, a *Fifteenth*, and a *Third* of each; besides this, the King rais'd Money after a new Invention, call'd *A Benevolence*.

In his Twenty-second Year he had a *Tenth* and a *Fifteenth* granted him to be levied on the Laity. The Clergy also granted a *Tenth*.

The Price of PROVISIONS and LABOUR during the Reigns of Henry VI. and Edward IV. By which a better Idea may be form'd of the Value of the foregoing TAXES.

IN the Year 1423, Wheat sold for 8 s. a Quarter, and Malt for 5 s. (a)

In 1425, a Colt sold for 8 s. Pease for 2 s. 2 d. a Quarter; and for 3⅛ d. a Bushel. An Ox's Hide for 2 s. 5 d. A Cow's Hide for 1 s. 3½ d. and for 1 s. 7½ d. A Calf's Skin for 1½ d. Twenty-one Lambs for 4 s. A Dozen of Sheep-Skins for 3 s. A Tod of pure Wool for 9 s. 6 d. the Tod. Nineteen Ells of Napkin Cloth sold for 5 s. A Gallon of Ale for 1¼ d. Red Wine at 8 d. a Gallon, or Flaggon. Sweet Wine at 1 s. 4 d. A Stone Cutter for a Day's Labour 4 d. A Tyler 3½ d. A Sawyer 4 d. For twenty Pullets

(a) FABIAN's Chronicle.

Pullets 1 s. 8 d. For a Quarter of an Ox to salt 1 s. 4 d. For a Cade of Red Herrings (720 the Cade) 8 s. For a Frail of Figs 3 s. 4 d. For 12 Pound of Raisins 1 s. 1 d. For a great Flesh-Ax 1 s. 4 d. For two Yards of Ruffet Cloth for the Shepherd 2 s. 2 d. For four Quarters of Wheat to be malted 16 s. For a Bay Horse, for the Prior's Stable, 1 l. 6 s. 8 d. For two Colts 9 s. For 30 Pair of Autumnal (Winter) Gloves for the Servants 4 s. To the Baker's Servant for 10 Days 1 s. For threshing a Quarter of Wheat 3 $\frac{1}{2}$ d. For eight Woodcocks for a Present 1 s. For 12 Pair of Gloves to the Bishop of *Worcester's* Servants 5 s. For one Man plowing and harrowing 12 Days 1 s. (b)

In the Year 1426, five Oxen, each apprais'd at 3 s. 4 d. Six Cows, each at 2 s. 8 d. Three Horses, each at 3 s. (c)

In 1435 and 1436, Wheat, on account of a wet Autumn in 1434, sold for 1 l. 6 s. 8 d. but the Year following it fell to 5 s. 4 d.

In 1439, Wheat sold for 20 s. a Quarter (d); and also in some Places for 1 l. 6 s. 8 d. (e)

In 1440, the Scarcity still continuing, Wheat sold for 1 l. 4 s. a Quarter; and Malt for 13 s. Oats 5 s. 4 d. Wine 1 s. a Gallon; and Bay Salt 1 s. a Bushel.

From 1444, we have the following Account by Bishop *Fleetwood* (f), viz. For an hundred Quarters of Wheat 21 l. 13 s. 4 d. each Quarter at 4 s. 4 d. For two Bushels of Wheat for Seed 1 s. For two Bushels of Pease (for Seed also) 1 s. For five Quarters of Pease 15 s. each Quarter at 3 s. For 50 Quarters of Malt 10 l. each Quarter at 4 s. For six Calves 12 s. each Calf at 2 s. For eight Porkers 1 l. 4 s. each at 3 s. without the

(b) From a *Computus* of the Prior and Canon of *Burcester Co. Oxon.* in KENNETT's *Parochial Antiquities*.

(c) SPELMAN's *Glossary*, under the Word *Graile*.

(d) STOWE's *Chronicle*.

(e) FABIAN.

(f) *Chronicon Pretiosum*.

the Head. For 40 Geese 10s. each Goose at 3d. For 31 Dozen of Pidgeons 10s. 8d. each Dozen at about 4d. For 15 Dozen of Pidgeons 7s. 6d. each Dozen at 6d. For 100 Dozen of Pidgeons, each Dozen at 5½d. For an Ox 1l. 11s. 8d. For eight Cignets, or young Swans, each 3s. For a Flitch of Bacon 1s. 8d. For four Oxen, young and lean, 52s. each at 13s. For 26 Warp of Ling 1l. 10s. 4d. For 100 Stockfish 17s. 6d. For a Barrel of Herrings, *i.e.* 30 Gallons fully packed, 1l. For two Plough Oxen 1l. 3s. For a Quarter of Oats 1s. 8d. For three Bushel of Green Pease, for Seed, 2s. 3d. At this Time it appears, that Master-Traders wrought by the Day at 3d. and their Labourers or Servants at 1d. But then it's believ'd they had their Meat and Drink. The Yearly Wages were, some 1l. 6s. 8d. others 1l.

In 1445, seven Quarters and an half of Wheat came to 30s. which is, each Quarter, at 4s. 6d. Oats, by the Quarter, at 2s. Twelve Flaggons, or Gallons of Ale 1s. 6d. each Gallon at 1½d. Hay, by the Load, 3s. 6½d. For 3000 Red Herrings 1l. 11s. Twenty-four Bullocks and Heifers 6l. each Head at 5s. Cloth for Surplices for Scholars, the Ell, at 8d.—This was the same as used at the *Altar*; and therefore, in those Days was certainly fine.

In 1447, Wheat, by the Quarter, 8s. Oats, the Quarter 2s. 1½d.

In 1448,, Wheat, by the Quarter, 6s. 8d. Oats, the Quarter 2s. A Cade of Red Herrings 5s. 8d. A Barrel of White Herrings 9s. 3d.

In 1449, Wheat, by the Quarter, 5s. A Cade of Red Herrings 6s. A Barrel of White Herrings 10s. 3d. Fifteen Sheep, at 1l. 16s. 10d. each Sheep at (within ½) 2s. 5½d. Seven Hogs, at 13s. 8d. each Hog at (within ½) 1s. 11½d.

In 1450, Oats the Quarter 1s. 10d. Beans the Quarter 2s. 6d.

In

In 1451, Wheat, by the Quarter, at 8s. Oats the Quarter 10s. 10 $\frac{1}{4}$ d. Twenty-six Gallons of Ale 3s. each Gallon at 1 $\frac{1}{2}$ d. Beans, the Quarter, 3s. 4d. For a Cade of Red Herrings 7s. 4d. For a Barrel of White Herrings 13s. 7d.

In 1453, Wheat, by the Quarter, 5s. 4d. Ale, *per* Gallon 1 $\frac{1}{4}$ d. A Cade of Red Herrings 7s. 6d. Fourscore White Herrings 1s.

In 1454, Oats by the Quarter 1s. 10 $\frac{1}{2}$ d.

In 1455, Wheat very cheap, the Quarter at 1s. 2d. Malt, the Quarter, at 1s. 5d.

In 1457, Wheat, by the Quarter, 7s. 8d. Oats the Quarter 1s. 9 $\frac{1}{4}$ d. A Gallon of Ale 1d. A Cade of Red Herrings, at 6s. 8d. Ninety-two White Herrings 1s.

In 1459, Wheat, by the Quarter, 5s. Oats, the Quarter 8s. 10d. A Gallon of Ale at 1d. A Cade of Red Herrings, at 7s. 10 $\frac{1}{2}$ d. Ninety-two White Herrings, at 1s.

In 1460, Wheat the Quarter, at 8s. Oats, the Quarter 2s. A Gallon of Ale at 1d. A Cade of Red Herrings, at 7s. One hundred and Ninety-two White Herrings, at 2s.—Here the Bishop takes notice, that from 1440 to 1460, Wheat was never above 8s. the Quarter, notwithstanding the Sword was drawn betwixt the Houses of *York* and *Lancaster*, which usually cuts down Corn, as well as Men.

In 1463, Wheat sold at *London* for 2s. a Quarter. Barley at 1s. 10d. Pease 3s. 4d. Oats 1s. 2d. Also, the same Year in *Norfolk*, Wheat sold for 1s. 8d. Barley 1s. Malt 1s. 8d. Oats 1s. (g)

In 1464, White Wheat sold for 6s. 8d. a Quarter (h).

In 1475, Oats sold for 1s. 10d. a Quarter, and a Load of Hay for 6s. 8d. (i)

(g) STOWE'S *Chronicle*.

(h) COTTON'S *Abridgement of the Records*.

(i) FLEETWOOD, *ut supra*.

King Edward V.

His Accession.

BY the Death of King *Edward IV.* the first Prince of the *York* Line, the Inheritance of the Crown descended, by Right of Succession, to his eldest Son, *Edward*, then Prince of *Wales*; who, from the Day of his Father's Death, was stiled King of *England*, and proclaimed as such, by the Name of *Edward V.* being then about thirteen Years of Age.

This is the Preamble that the great Sir *Thomas More* gives to his Life and Reign of this unfortunate young King; whose State and Dignity was soon undermined by his unnatural and barbarous Uncle, *Richard*, Duke of *Glocester*. The short *Reign*, if we may so call it, of this Prince, was so wholly taken up with the wicked Intrigues of his Uncle to dispossess him, that no Parliament could be called; for he was not even suffered to live to his Coronation. Therefore,

To the particular Writer abovemention'd, of this King's Life, and to the more general *English* Historians, we must refer our Readers; since all that was done, in this short Interval of Sovereignty, relating to our Purpose, will be comprised in the Reign of the Successor; this young King and his Brother being both taken off, by cruel Means, to make Way for him. *Edward V.* begun his Life and ended it in a very unhappy Manner; for he was born in a *Sanctuary*, and died in a *Prison*. He first saw Light in *Westminster* Abby, where his Mother had taken Sanctuary, after the Earl of *Warwick* had driven her Husband *Edward IV.* out of the Kingdom, in *September 1470*; and he was murdered in the Tower of *London*, in *July 1483*, a little while after his Uncle *Richard's* Coronation.

And Murder.

Richard

RICHARD III. waded to the Throne King Richard III.
thro' almost an Ocean of Blood, drawn from his nearest Relations ; how long his ambitious Designs had been settled in his Breast is uncertain ; but, 'tis probable they had been a great while resident there ; and, at length, had brought him to a fix'd Determination of obtaining the Crown at any Price. It is more than suspected that he had a principal Hand in bringing his Brother *Clarence* to his Death ; and by gaining of an Act of Attainder to pass against him, this Duke's Children were effectually cut off from succeeding to the Crown (*k*). A Bulwark so formidable being removed, *Richard's* next Step, after his Brother King *Edward's* Death, was to try to get his Children declared *illegitimate* ; to put to Death all their Relations by the Mother's Side ; and lastly, to make sure Work, to have the two young Princes murdered, as aforesaid. These Obstacles being all taken out of his Way, it is certain that *Richard's* Title to the Crown was uncontested ; being then the only remaining Male Heir, that could inherit from his Father *Richard Duke of York*, on whom and his Descendants, the Crown had been entailed by Act of Parliament. There was indeed one more Impediment to his Happiness left ; and that was the Princess *Elizabeth*, eldest Daughter to *Edward IV.* and his own Niece : But, he had well contrived a Solution for this Difficulty, tho' not so cruel as the former, in the Main ; for, though he was obliged to destroy his own Wife (*l*) to effect it, yet his Design was to marry his Neice *Elizabeth*, himself ; in order to prevent any other Person from doing it, and thereby to raise up, still,
disputed

His wicked Contrivances to secure the Crown to himself.

(*k*) See before, P. 361.

(*l*) She was Daughter to the famous Earl of *Warwick*, first married to *Edward Prince of Wales*, and afterwards to this Monster of Mankind, one of her Husband's Murderers. The Courtship on this extraordinary Occasion, between *Richard* and the Widow, is finely drawn up by *Shakespeare* in his Tragedy of *Richard III.*

378 *The Parliamentary History*

King Richard III. disputed Titles to the Crown. But more of this in the Sequel.

A Conspiracy against him, in favour of *Henry Earl of Richmond*, defeated.

The very first Year of *Richard's* Reign was much disturbed by a dangerous and powerful Conspiracy formed against him; at the Head of which was the Duke of *Buckingham*. This Lord had been the chief Instrument in raising *Richard* to his present Greatness; but, as some relate, because he would not consent to the Murder of the two young Princes, and being denied the Earldom and Inheritance of *Hereford*, which he claimed by Promise, he abruptly left the Court: Soon afterwards, in order to secure himself from *Richard's* Malice, who now watched all Opportunities to destroy him, he readily joined with those who had engaged in a Conspiracy to dethrone *Richard*, and set up the Earl of *Richmond*, the only remaining Branch of the *Lancastrian* Family; and, by a Marriage of this Prince with *Elizabeth*, the late King's Daughter, perfectly to reconcile and consolidate the *White* and *Red Rose* Factions. To this End, the Duke of *Buckingham* raised Forces; but was soon, by an unforeseen Accident, prevented from effecting any Thing; forced to fly for Security to the House of an old Servant, who betrayed him to *Richard*; and, at *Salisbury*, lost his own Head, as an Attonement for the Crime he had committed in setting a Crown on the Head of his Adversary.

Anno Regni I.
1484.
At Westminster.

In the short Reign of this King we meet but with one Parliament, which was call'd to *Westminster* *January* the 23d, in the first Year of it. The Form of the Writ of Summons, directed to *Thomas Abp. of Canterbury*, the rest of the Bishops, Abbots, Priors, &c. and to the Temporal Lords, is as usual; the first Writ to the latter is directed to his most dear first-born Son *Edward*, Prince of *Wales*, Duke of *Cornwal*, and Earl of *Chester*. This Prince who was then about ten Years of Age, had been so created at *York*, some Months before

before, at his Father's second Coronation in that King Richard III. City (m). He enjoyed this Dignity but for a small Time, for he died the next Year; and lived not to see his Father's dismal Catastrophe, nor to taste perhaps of greater Misery himself. The rest of the Peers, as they stand in *Dugdale's Catalogue*, are as follows.

<i>John Duke of Norfolk,</i>	<i>Walter Devereux Lord</i>
<i>John Duke of Suffolk,</i>	<i>Ferrers,</i>
<i>William Earl of Arundel,</i>	<i>John Lord Scrope, of</i>
<i>Edmund Earl of Kent,</i>	<i>Bolton,</i>
<i>Ralph Earl of Westmore-</i>	<i>Thomas Lord Lumley, of</i>
<i>land,</i>	<i>Lumley,</i>
<i>Henry Earl of Northum-</i>	<i>Thomas Lord Stanley, of</i>
<i>berland,</i>	<i>Stanley,</i>
<i>William Earl of Hunting-</i>	<i>John Broke Lord Cobham,</i>
<i>ton,</i>	<i>John Blount Lord Mount-</i>
<i>Thomas Earl of Surrey,</i>	<i>joy,</i>
<i>William Earl of Notting-</i>	<i>John Stourton Lord Stour-</i>
<i>ham,</i>	<i>ton,</i>
<i>Francis Viscount Lovel,</i>	<i>John Sutton Lord Dud-</i>
<i>Edward Viscount Lisle,</i>	<i>ley,</i>
<i>Ralph Lord Greystock,</i>	<i>John Lord Dynham, of</i>
<i>John Lord Scrope, of</i>	<i>Care Dynham,</i>
<i>Masbam,</i>	<i>Richard Lord Fitz-</i>
<i>Richard Lord Beauchamp</i>	<i>Hugh,</i>
<i>of Beauchamp,</i>	<i>John Lord Zouch,</i>
<i>John Lord Audley,</i>	<i>Thomas Arundell Lord</i>
<i>George Lord Neville, of</i>	<i>Matravers,</i>
<i>Bergavenny,</i>	<i>Humphrey Lord Dacre,</i>
<i>Reginald Lord Grey, of</i>	<i>of Gilsland,</i>
<i>Wilton,</i>	<i>John Ld. Gray, of Powis,</i>
<i>George Stanley Lord de</i>	<i>William Lord Hastings,</i>
<i>la Strange,</i>	<i>of Welles,</i>
<i>Henry Lord Grey,</i>	<i>Owen Ld. Ogle, of Ogle,</i>
<i>Richard West Lord de la</i>	<i>Edward Lord Hastings,</i>
<i>War,</i>	<i>of Hungerford.</i>

The

(m) See a particular Account of this King's Coronation at York, in *DRAKE'S Eboracum*. P. 117.

King Richard III. *The Names of the Judges summoned also to this Parliament were these.*

Sir William Husee Knt.	Sir Richard Neal,
Chief Justice,	Sir Thomas Tremayle,
Sir Thomas Brian,	Sir John Vavasour,
Sir Guy Fairfax,	And,
Sir William Fenny,	Morgan Kidwelly, Esq;
Sir John Catesby,	the King's Attorney
Sir Roger Tounsend,	General.

Our older Chronicles, and more modern Historians, are very short in their Account of the Proceedings of this Parliament. The *History of Croyland*, cotemporary with these Times, might be expected to furnish more Matter for these Enquiries, relating to it: But there it is only cursorily mention'd; though some Hints are given, about the Methods taken to force the Act of Succession through the Houses, as are almost incredible. It is there said, 'That in this Parliament, the King, 'in order to strengthen his Title to that Crown, 'which he had in the preceeding Summer gain'd, 'brought an Affair, relating to matrimonial Contracts, to be disputed before an Assembly of 'Laymen. And, though it was well known that 'such a Court had nothing to do in this Matter, 'yet so great was the Dread and Fear, which 'then possess'd the boldest, that they not only 'undertook the Affair, but gave Sentence accordingly.' For, *adds our Authority*, so many great Men, Peers and Commoners, were proscrib'd [*he means attainted*] as was never known since the Time of the *Triumvirate* of *Octavius, Anthony and Lepidus* (n). Besides, a great Quantity of Money was drawn out of the King's Treasury at this Time, in order to gain this Act, and chiefly distributed amongst his Northern Friends, whom

(n) *Tot et tantorum Dominorum, Nobilium, Procerum, et Communium, etiam trium Episcoporum, Proscriptiones factæ sunt, ut a Triumvirato Octaviani, Antonii et Lepidi, Factum simile nusquam emanasse legatur.*

whom he planted, also, for his greater Security, K. Richard III. in every Part of the Kingdom ; which gave much Offence to his more Southern Subjects, and made them pay more Regard to the Hopes of a future Revolution, than to the present Tyrant.

Fabian, who liv'd in this King's Time, and ends his Chronicle with the next Reign, hath not one single Word of this Parliament. *Hall* and *Hollingshead* only say, that in the Beginning of the Year 1484, a Parliament was summon'd, in which the Earl of *Richmond*, and his Followers, were attainted, and the People burthen'd with severe Taxes and Impositions ; and that the Money so collected was wasted on this King's Creatures, or squander'd away prodigally, to stop the Mouths of such as knew any Thing of his Guilt in the Death of his Nephews.

Polydore Vergil writes (o), that after this Parliament had attainted all the exil'd Persons, and confiscated their Estates to the King's Use, *Richard* was not content with these rich Spoils, but commanded them to grant him a large Supply ; for, in order to vindicate himself from Calumny, and to buy the Favour of the People, he had bestowed such Largeesses of Money amongst them, that his Treasury was very low. But the most extraordinary Stretch was, that *Thomas Stanley* should be also declar'd an Enemy to the State, on account of his Wife *Margaret's* being Mother to the Earl of *Richmond*, who was commonly thought to be at the Head of the Conspiracy (p). And though a Woman's Politics may be judged of small Moment, yet this Parliament thought proper to take Notice of her, and commanded her Husband, in whom they could find

(o) *Hist. Ang. Lib. xxv. p. 554.*

(p) *Richard's* own Policy here failed him ; for it was owing to the Desertion of this Sir *Thomas Stanley*, and his Forces, that he afterwards lost his Crown and Life, at the Battle of *Bosworth*. *Stanley* was created Earl of *Derby* by *Henry VII.*

R. Richard III. find no Guile, to confine her closely ; and suffer no Messengers, of any Account, to pass between her Son and her, that might disturb the Peace of the Kingdom. The same Author adds, that by Consent of this Parliament a Peace with the *Scots*, who had begun Hostilities on the *English* Borders, was concluded.

The particular Writer of this King's Life (*q*), and a very particular one he is indeed, for, he has taken true Pains to wash his Blackmoor white, is more explicite than any other in his Account of the Proceedings in this Parliament. He says, ' That in this Parliament were many good Laws enacted ; the Marriages of King *Edward* were debated ; that with the Lady *Gray* adjudged unlawful, and her Children illegitimate ; there being Proof of a former Contract and Marriage with the Lady *Eleanor Talbot*, Daughter to the old Earl of *Shrewsbury*, and Relict of the Lord *Butler* of *Sudeley*, then, and long after, living. ' All that had been inferred by the Duke of *Buckingham*, or contained in the Bill supplicatory, demonstrated, was again consulted, and Judgment given against that Marriage ; the Incapacity also of the Children of the Earl of *Warwick* and his Sister, the Lady *Elizabeth Plantagenet*, were all decreed and confirmed by Act of Parliament. So that here, adds our Author, to tax so general an Assent, were to say there was not one honest or just Man in that high Court ; and what greater Scandal can there be against the whole Kingdom ?

' There was likewise Notice taken of the Earl of *Richmond's* Pretence to the Crown, by a Title derived from the House of *Lancaster* ; who was at that Time in *France* labouring to engage the King and the Duke of *Brittain* in his Quarrel

(*q*) *George Buck*, Esq; Author of the History of King *Richard III.* Fol. 1647, London. But since printed with Notes in *Kennet's* Collection.

Quarrel. Oh! the infinite Windings and perplexed Steps we labour thorough, to get that which we must bid Goodnight to To-morrow; and yet the true and rightful *Lancaster* had no Finger in this; for this Earl was not then granted to be of the House of *Lancaster*; until the Pope, by his Bull, had given him that Title; and himself, after he was King, by his Prerogative assumed it. In this Parliament he was attainted of High Treason, and with him *John Earl of Oxford*, *Thomas Marquess of Dorset*, *Jasper Earl of Pembroke*, *Lionel Bishop of Salisbury*, *Pierce Bishop of Exeter*, the Lady *Margaret Countess of Richmond*, *Thomas Morton Bishop of Ely*, *Thomas Nandich* by the Stile of *Thomas Nandich of Cambridge*, Conjuror, *William Knevet of Buckingham* smeared with the same Pitch, *George Brown of Beachworth*, *Thomas Lukenor of Tratton*, *John Guilford*, *John Fogg*, *Edward Poinings*, *Thomas Ficries of Cherstmonceux*, *Nicholas Gainford*, *William Clifford*, *John Dorrel*, with others of *Kent* and the *West Country*. There was further enacted, for the Approbation and confirming the true and lawful Title of King *Richard*, this Clause or Sentence,

It is declared, pronounced, decreed, confirmed and established, by the Authority of this present Parliament, that King Richard III. is the true and undoubted King of this Realm; as well by Right of Consanguinity and Heritage, as by lawful Election and Coronation, &c.

Our Author proceeds with this Remark, 'That in a Place of the Roll of this Parliament, there are Arguments to be gathered, that the two Sons of King *Edward* were living in the Time of this Parliament, which was at least nine Months after the Death of their Father, and six Months after *Richard* was declared King. Which, adds he, will import thus much, That

' if

K. Richard III. ‘ if King *Richard* suffered them to live so long,
 ‘ there is no Reason why he should after make
 ‘ them away ; for their Lives could not rectify
 ‘ their Blood or Titles, nor their Deaths advan-
 ‘ tage him. Neither can Bastards be dangerous
 ‘ or prejudicial to the true and titular Lord, or
 ‘ lawful Proprietor, be he King or Subject ;
 ‘ witness Foreign Countries, and *England* itself,
 ‘ which holds Bastards incapable of Heritage,
 ‘ Honour or Offices.’

Thus far we have thought proper to extract, *verbatim*, from this Panegyrist ; and shall only add, what the Annotator in *Kennet’s Collection* remarks on the Passage of *Edward’s* Children being alive at the Time this Parliament was sitting. He says, ‘ That the Author would have
 ‘ done much towards the Credit he drives at in
 ‘ his History, to have specified the Place of the
 ‘ Roll and the Words thereof, whence such
 ‘ Arguments might be gathered. For, *adds he*,
 ‘ all Histories relate the Murthers to be committed
 ‘ before this Time (r).’

But, to set aside all Doubts in this Matter, Sir *Robert Cotton* hath left us a full Translation of this Bill for excluding of *Edward’s* Children, and settling the Crown on *Richard* and his Descendants ; extracted from the Parliament Rolls, in the first Year of his Reign. As this is the last Parliamentary Record, which we can have from that painful Collector and Abridger of those most valuable Monuments of *English* History, then and now deposited in the Tower of *London*, we shall give it *verbatim*, along with the Annotations of *William Prynne*, Esq; the Editor of these curious Remains : And, the rather, because this extraordinary Bill, tho’ published by Mr *Prynne* near 100 Years ago, is so far from being copied,
 that

(r) *Kennet*, p. 523.

that, except by one (a), it is scarce taken Notice of K. Richard III. by any *English* Historian whatsoever.

Anno primo Ricardi Tertii.

In Rotulo Parliamenti tenti apud Westm. die Veneris viceffimo tertio die Januarii, Anno Regni Regis Ricardi Tertii primo, inter alia continentur, ut sequitur.

Memorandum quod quædam Billa exhibita fuit coram Domino Rege in Parlamento prædicto in hæc Verba.

‘ **W**Hereas late heretofore, that is to say,
 ‘ before the Consecration, Coronation, and
 ‘ Inthronization of our Sovereign Lord King
 ‘ *Richard III.* a Roll of Parchment, containing
 ‘ in Writing certain Articles of the Tenor under-
 ‘ written, on the Behalf, and in the Name of the
 ‘ Three Estates of this Realm of *England*, that is
 ‘ to say, of the Lords Spiritual, and Temporal,
 ‘ and of the Commons by Name, and other Nobles
 ‘ and notable Persons of the Commons in great
 ‘ Multitude, was presented and actually deliver’d
 ‘ unto our said Sovereign Lord, the Intent and
 ‘ Effect exprefs’d at large in the same Roll; to the
 ‘ which Roll, and to the Considerations, and
 ‘ instant Petition comprised in the same, our said
 ‘ Sovereign Lord for the publick Weal, and
 ‘ Tranquility of this Land, benignly assented.

‘ Now, forasmuch as neither the said Three

VOL. II.

Bb

‘ Estates

(a) *John Speed*, p. 713. This Author concludes his Abstract of this Bill with this Remark; ‘ These Things I have laid forth, more at large, out of the Parliament Roll, that ye may understand both what and how great Matters, the Power of a Prince, the outward Shew of Virtue, the wily Fetches of Lawyers, fawning Hope, pensive Fear, Desire of Change and goodly Pretences, are able to effect in that most wise Assembly of all the Estates in the Kingdom, even against all Law and Right; so the Saying of *Solomon* in this State seemed most true, *that a living Dog is better than a dead Lion.*

K. Richard III.

A Petition presented by several Lords and Commons out of Parliament to Richard when Duke of Gloucester, declar'd as valid as though done in Parliament.

‘ Estates, neither the said Persons, which in
 ‘ their Name presented and delivered, as it is
 ‘ aforesaid, the said Roll unto our said Sovereign
 ‘ Lord the King, were assembled in *Form of Parliament* ; by Reason whereof divers Doubts,
 ‘ Questions, and Ambiguities being moved and
 ‘ ingendered in the Minds of divers Persons as it
 ‘ is said (b):

‘ Therefore, to the perpetual Memory of the
 ‘ Truth, and Declaration of the same, be it
 ‘ ordained, provided, and established in this
 ‘ present Parliament, That the Tenor of the said
 ‘ Roll, with all the Contents of the same,
 ‘ presented as is aforesaid, and delivered to our
 ‘ aforesaid Sovereign Lord the King, in the
 ‘ Name, and in the Behalf, of the said Three
 ‘ Estates out of Parliament (c), be now by the
 ‘ said Three Estates assembled in this present
 ‘ Parliament, and by Authority of the same,
 ‘ ratified, enrolled, recorded, approved, and
 ‘ authorized, to the removing of the Occasions
 ‘ of Doubts and Ambiguities, and to all other
 ‘ lawful Effects that shall now thereof ensue ; so
 ‘ that all Things said, affirmed, specified, desired,
 ‘ and remembered in the said Roll, and in the
 ‘ Tenor of the same, under written in the Name
 ‘ of the said Three Estates, to the Effect expressed
 ‘ in the said Roll, be of the like Effect, Virtue,
 ‘ and Force, as if all the same Things had been
 ‘ so said, affirmed, specified, and remembered in
 ‘ full Parliament, and by Authority of the same
 ‘ accepted and approved : The Tenor of the said
 ‘ Roll

(b) Things done and concluded without the Three Estates in Parliament give little or no Satisfaction to the People, though in the Name of the Parliament and the Three Estates.

Mr Prynne's Notes.

(c) The Three Estates must concur to make a Parliament, else his Title would neither be valid nor satisfactory, but ambiguous as before, no one or two of them being a full or real Parliament, but all conjoin'd.

Ibid.

‘ Roll of Parchment, whereof above is made K. Richard III.
‘ mention, followeth, and is such.

*To the High and Mighty Prince Richard Duke of
Gloucester,*

‘ Pleaseth it your noble Grace to understand
‘ the Considerations, Election, and Petition under ^{The Petition}
‘ written, of us the Lords Spiritual and Temporal, ^{itself,}
‘ and Commons of this Realm of *England*, and
‘ thereunto agreeable, to give your Assent to the
‘ common and publick Weal of this Land, and to
‘ the Comfort and Gladness of all the People of
‘ the same (*d*).

‘ First, we consider, how that heretofore in
‘ Time past, this Land for many Years stood in
‘ great Prosperity, Honour, and Tranquility;
‘ which was caused for so much as the Kings
‘ reigning used and followed the Advice and
‘ Council of certain Lords Spiritual and Temporal,
‘ and other Persons of approved Sageness, Pru-
‘ dence, Policy, and Experience, dreading God,
‘ and having tender Zeal and Affection to indiffe-
‘ rent Administration of Justice, and to the
‘ common and publick Weal of the Land: Then
‘ our Lord God was dreaded, loved, and
‘ honoured; then within the Land was Peace
‘ and Tranquility, and among the Neighbours
‘ Concord and Charity; then the Malice of
‘ outward Enemies was mightily resisted and
‘ repressed; and the Land honourably defended
‘ with many great and glorious Victories; then
‘ the Intercourse of Merchants was largely used
‘ and exercised; by which Things above remem-
‘ bred, the Land was greatly enriched, so that as
‘ well the Merchants as the Artificers, and other
‘ poor People, labouring for their living in divers
B b 2 ‘ Occupations,

(*d*) The new Device of this bloody Usurper, to entitle himself to
the Crown of *England*, and take upon him the Regal Government,
Prynne.

K. Richard III.

‘ Occupations, had competent Gain, to the
 ‘ Satisfaction of them and their Houſholds, living
 ‘ without miſerable and intolerable Poverty. But
 ‘ afterwards, when as ſuch had the Rule and
 ‘ Governance of this Land, delighting in Adula-
 ‘ tion and Flattery, and led by Senſuality and
 ‘ Concupiſcence, follow’d the Council of Perſons
 ‘ inſolent, vicious, and of inordinate Avarice,
 ‘ deſpiſing the Council of Perſons good, virtuous,
 ‘ and prudent, ſuch as above be remembred; the
 ‘ Proſperity of this Land decreaſed daily, ſo that
 ‘ our Felicity was turn’d into Miſery, and our
 ‘ Proſperity into Adverſity, and the Order of
 ‘ Policy, and the Laws of God and Man con-
 ‘ founded; whereby it is likely for this Realm to
 ‘ fall into great Miſery and Deſolation, (which God
 ‘ defend) without due Proviſion of convenable
 ‘ Remedy be had in this Behalf in all godly
 ‘ Haſte.

Wherein King
 Edward the
 Fourth’s Marri-
 age with Lady
 Gray is declar’d
 void.

‘ Over this, among other Things more ſpecial,
 ‘ we conſider how in the Time of the Reign of
 ‘ *Edward IV.* late deceaſed, after the ungracious
 ‘ pretended Marriage (as all *England* hath Cauſe
 ‘ to ſay) made betwixt the ſaid King *Edward* and
 ‘ *Elizabeſth*, ſometimes Wiſe to Sir *John Gray*,
 ‘ Knight, late naming herſelf, and many Years
 ‘ heretofore, Queen of *England*, the Order of
 ‘ politick Rule was ſubverted, the Laws of God,
 ‘ and of God’s Church, &c. alſo the Laws of
 ‘ Nature, and of *England*, and alſo the laudable
 ‘ Cuſtoms and Liberties of the ſame, wherein
 ‘ every *Engliſhman* is Inheritor, was broke, ſubvert-
 ‘ ed, and contemned, againſt all Reaſon and
 ‘ Juſtice (*e*); ſo that the Land was ruled by Self-
 ‘ Will and Pleaſure, Fear and Dread, all Manner
 ‘ of Equity and Law laid apart and deſpiſed;
 ‘ whereof enſued many Inconveniencies and Miſ-
 ‘ chiefs, as Murders, Extortions and Oppreſſions,
 ‘ namely of poor and impotent People; ſo that
 ‘ no Man was ſure of his Life, Land, or Lively-
 ‘ hood

(*e*) Liberties and Laws every *Engliſhman*’s Inheritance. *Prynne.*

' hood, nor of his Wife, Daughter, or Servant, K. Richard III.
 ' every good Maiden and Woman standing in
 ' Fear to be ravished and deflowered. And besides
 ' this, what Discords, inward Battles, Effusion
 ' of Christian Men's Blood, and namely, by the
 ' Destruction of the Nobles Blood of this Land,
 ' was had and committed within the same, is
 ' evident, and notorious through all this Realm,
 ' unto the great Sorrow and Heaviness of all true
 ' *Englishmen*. And here also we consider, how
 ' that the said pretended Marriage betwixt the
 ' above named King *Edward* and *Elizabeth Gray*,
 ' was made of great Presumption, without the
 ' Knowing and Assent of the Lords of this Land,
 ' and also by Sorcery and Witchcraft committed
 ' by the said *Elizabeth*, and her Mother *Jaquet*,
 ' Duchess of *Bedford*, as the common Opinion of
 ' the People, and the publick Voice and Fame is
 ' throughout all this Land, and hereafter if the
 ' Cause shall require, shall be proved sufficiently
 ' in Time and Place convenient. And here also
 ' we consider, how that the said pretended
 ' Marriage was made privily and secretly, without
 ' Edition of Banns, in a private Chamber, a
 ' prophane Place, and not openly in the Face of
 ' the Church, after the Laws of God's Church,
 ' but contrary thereunto, and the laudable Custom
 ' of the Church of *England*; and how also at
 ' the Time of the Contract of the same pretended
 ' Marriage, and before and long Time after, the
 ' said King *Edward* was and stood married, and
 ' troth-plight, to one Dame *Eleanor Butler*,
 ' Daughter to the Earl of *Shrewsbury*, with whom
 ' the said King *Edward* had made a Pre-contract
 ' of Matrimony, long Time before he made
 ' the said pretended Marriage with the said *Eliza-*
 ' *beth Gray*, in Manner and Form aforesaid.
 ' Which Premisses being true, as in very Truth
 ' they be true, it appeareth and followeth evidently
 ' that the said King *Edward* during his Life, and

K. Richard III. ' the said *Elizabeth*, lived together sinfully and
 ' damnably in Adultery, against the Law of God
 ' and of his Church ; and therefore, no marvel
 ' that the Sovereign Lord and Head of the Land
 ' being of such ungodly Disposition, and provoking
 ' the Ire and Indignation of our Lord God, such
 ' heinous Mischiefs and Inconveniences as are
 ' above remembred were used, and committed in
 ' the Realm amongst the Subjects. Also it ap-
 ' peareth evidently, and followeth, that all the
 ' Issue and Children of the said King *Edward*, be
 ' Bastards, and unable to inherit, or claim any
 ' Thing by Inheritance by the Law, and Custom
 ' of *England*.

And his Children
 illegitimate.

The Duke of
 Clarence attaint-
 ed by Parliament. ' Moreover, we consider how that afterwards
 ' by the Three Estates of this Realm assembled in
 ' Parliament, holden at *Westminster*, Anno 17,
 ' of the Reign of the said King *Edward IV.* he
 ' then being in Possession of the Crown and Royal
 ' Estate, by Act made in the same Parliament,
 ' *George Duke of Clarence*, Brother to the King
 ' *Edward* now deceas'd, was convicted, and
 ' attainted of High Treason, as in the said Act is
 ' contained more at large ; because, and by Reason
 ' whereof, all the Issue of the said *George* was,
 ' and is disabled, and barred of all Right and
 ' Claim, that in any Case they might have, or
 ' challenge by Inheritance, to the Crown and
 ' Dignity Royal of this Realm, by the ancient
 ' Laws and Customs of this same Realm.

His Issue thereby
 not inheritable,
 but incapable to
 claim the Crown.

Richard III. de-
 clar'd undoubted
 Heir thereto. ' Over this, we consider, that you be the
 ' undoubted Heir of *Richard Duke of York*, very
 ' Inheritor of the said Crown and Dignity Royal,
 ' and as in Right King of *England* by Way of
 ' Inheritance ; and that at this Time the Premises
 ' duly considered, there is none other Person
 ' living but you only that may claim the said
 ' Crown and Dignity Royal, by Way of Inhe-
 ' ritage, and how that you be born within this
 ' Land ; by Reason whereof, as we deem in our
 ' Minds,

‘ Minds, you be more naturally inclin’d to the K. Richard III.
 ‘ Prosperity and Commonweal of the same ; and
 ‘ all the Three Estates of the Land have, and
 ‘ may have more certain Knowledge of your Birth
 ‘ and Filiation aforesaid. We consider also the
 ‘ great Wit, Prudence, Justice, Princely Cou-
 ‘ rage, and the memorable and laudable Acts in
 ‘ divers Battles, which as we by Experience know
 ‘ you heretofore have done, for the Defence and
 ‘ Salvation of this Realm, and also the great
 ‘ Nobleness and Excellency of your Birth and
 ‘ Blood, as of him that is descended of the three
 ‘ most Royal Houses of *Christendom* ; that is to
 ‘ say, *England, France, and Spain* (f). Where-
 ‘ fore these Premises duly by us considered, we
 ‘ desiring effectually the Peace, Tranquility, and
 ‘ weal publick of this Land, and the Reduction
 ‘ of the same to the ancient honourable Estate,
 ‘ and Prosperity : And having in your great
 ‘ prudent Justice, princely Courage, and excel-
 ‘ lent Virtue, singular Confidence, have chosen by
 ‘ in all that in us is, and by that our Writing
 ‘ choose you high and mighty Prince, our
 ‘ Sovereign Lord (g), to whom we know of
 ‘ certain it appertaineth of Inheritance so to be
 ‘ chosen (h). And hereupon we humbly desire,
 ‘ pray, and require your most noble Grace, that
 ‘ according to this Election of us the Three Estates
 ‘ of your Land, as by Inheritance, you will accept
 ‘ and take upon you the said Crown and Royal
 ‘ Dignity, with all Things thereunto annexed and
 ‘ appertaining, as to you of Right belonging, as
 ‘ well

(f) His pretended Virtues and Fitness to reign as King ; his Va-
 lour in Battle ; his honourable and Royal Birth ; without one
 Word of his desperate Treasons, Regicides, Murders, Hypocrisy,
 and other Vices. *Prynne.*

(g) His Election by the Three Estates and this Instrument, to
 be King of *England*. *Ibid.*

(h) They make his hereditary Title the Ground of their Choice:
Ibid.

K. Richard III. ' well by Inheritance as by lawful Election (*i*) ;
 ' and in case you so do, we promise to assist and
 ' serve your Highness, as true and faithful Subjects
 ' and Liege-men, and to live and dye with you
 ' in this Matter, and every other just Quarrel ;
 ' for certainly we be determin'd rather to adven-
 ' ture and commit us to the Peril of our Lives and
 ' Jeopardy of Death, than to live in such Thral-
 ' dom and Bondage as we have done long Time
 ' heretofore ; oppressed and injured by Extorsions,
 ' and new Impositions, against the Law of God
 ' and Man, and the Liberties and old Policy, and
 ' Laws of this Land, wherein every *Englishman*
 ' is inherited (*k*). Our Lord God, King of all
 ' Kings, by whose infinite Goodness and eternal
 ' Providence all Things are principally go-
 ' verned in this World, lighten your Soul, and
 ' grant you Grace to do as well in this Matter
 ' as in all others, that which may be according to
 ' his Will and Pleasure, and to the common and
 ' publick Weal of this Land. So that after great
 ' Clouds, Troubles, Storms and Tempests, the
 ' Sun of Justice and of Grace may shine upon us,
 ' to the Joy and Comfort of all true hearted
 ' *Englishmen* (*l*).

His Hereditary
 Title to the
 Crown by the
 Law of God and
 Nature,

' Albeit that the Right, Title, and Estate which
 ' our Sovereign Lord, King *Richard III*, hath to,
 ' and in the Crown and Royal Dignity of this
 ' Realm of *England*, with all Things thereunto
 ' within the same Realm, and without it annex'd
 ' and apdertaining, being just and lawful, as
 ' grounded upon the Laws of God and Nature,
 ' and also upon the ancient Laws and laudable
 ' Customs of this said Realm ; and also taken
 ' and

(*i*) Their Petition and Importunity to him to accept of the Crown, though himself most eagerly thirsted after it. And his hereditary Right thereto seconded by their Election. *Prynne.*

(*k*) Their Promise to assist, serve, and obey him, upon his Acceptance thereof, as his Subjects, and to live and dye with him. And their pretended great Thraldom, Bondage, Oppressions, &c, under his Predecessors. *Ibid.*

(*l*) Their Prayer for him, and their great Trouble, occasion'd partly by himself, *Ibid.*

‘ and reputed as such by all Persons, being learned K. Richard III.
‘ in the abovesaid Laws and Customs (*m*).

‘ Yet nevertheless, forasmuch as it is consider-
‘ ed, that the most Part of the People is not
‘ sufficiently learned in the abovesaid Laws and
‘ Customs, whereby the Truth and Right in this
‘ Behalf of likelihood may be hid, and not clearly
‘ known to all the People, and thereupon put in
‘ Doubt and Question. And over this, how that
‘ the Court of Parliament is of such Authority,
‘ and the People of this Land is of such a Nature
‘ and Disposition as Experience teacheth, that
‘ Manifestation or Declaration of any Truth or
‘ Right, made by the Three Estates of this Realm
‘ assembled in Parliament, and by Authority of
‘ the same, maketh before all other Things, most
‘ Faith, and certain quieting of Men’s Minds,
‘ and removeth the Occasion of Doubts, and
‘ seditious Language (*n*).

‘ Therefore, at the Request, and by the Assent
‘ of the Three Estates of this Realm, that is to
‘ say, the Lords Spiritual and Temporal, and
‘ Commons of this Land, assembled in this present
‘ Parliament, and by Authority of the same, be it
‘ pronounced, decreed and declared, that our said
‘ Sovereign Lord the King was, and is the very
‘ undoubted King of this Realm of *England*, with
‘ all Things thereunto within the same Realm, The Crown set-
‘ and without it, united, annexed, and appertain- tled and entailed
‘ ing, as well by Right of Consanguinity and on him and the
‘ Inheritance, as by lawful Election, Consecration Heirs of his Body,
‘ and Coronation (*o*).

‘ And

(*m*) The Lawyers flatter and approve his Title. The common
People ignorant in the Laws. *Prynne.*

(*n*) The Parliament’s Authority with the People, when true,
free, and real, consisting of the Three Estates. It’s Declaration
quieteth all Men’s Minds, removeth all Doubts and Seditions.
Yet he that considers 39 *Hen. VI.* [p. 294.] or 1 *Ed. IV.* [p. 314.]
will scarce beleive this for a Truth, neither prov’d it so in his
own Case. The Three Estates must all concur to make a Parlia-
ment, and valid Election. *Ibid.*

(*o*) They decree and declare him the undoubted King of this
Realm, by Inheritance and their lawful Election coupled together.
Ibid.

K. Richard III.

His Son declared
Heir apparent.

‘ And over this, that at the Request, and by
 ‘ the Assent and Authority abovesaid, be it
 ‘ ordained, enacted and established, that the said
 ‘ Crown, and Royal Dignity of this Realm,
 ‘ and the Inheritance of the same, and all other
 ‘ Things thereunto within this Realm, or without
 ‘ it, united and annexed, and now appertaining,
 ‘ rest and abide in the Person of our said Sovereign
 ‘ Lord the King, during his Life, and after his
 ‘ Decease in his Heirs of his Body begotten, in
 ‘ especial at the Request, and by Assent, and the
 ‘ Authority aforeaid, be it ordained, enacted,
 ‘ established, pronounced, decreed and declared,
 ‘ that the high and excellent Prince *Edward*, Son
 ‘ of our said Lord the King, be Heir apparent of
 ‘ the same our Sovereign Lord the King, to
 ‘ succeed to him in the abovesaid Crown and Royal
 ‘ Dignity, with all Things (as is aforeaid) there-
 ‘ unto united, annexed, and appertaining, to
 ‘ have them after the Decease of our said Sovereign
 ‘ Lord the King, to him, and to the Heirs of his
 ‘ Body lawfully begotten.

‘ *Quæ quidem Billa Communibus Regni Angliæ*
 ‘ *in dicto Parlamento existentibus transportata fuit,*
 ‘ *cui quidem Billæ idem Communes Assensum suum*
 ‘ *præbuerunt sub hiis Verbis: A ceste Bille les*
 ‘ *Communs sont assentes; quibus quidem Billa*
 ‘ *& Assensu coram Domino Rege in Parlamento*
 ‘ *prædicto, lectis, auditis, & plene intellectis, &*
 ‘ *de Assensu Dominorum Spiritualium & Tempora-*
 ‘ *lium in dicto Parlamento similiter existentium,*
 ‘ *& Communitatis prædictæ; nec non Autoritate*
 ‘ *ejusdem Parliamenti pronunciatum, decretum, &*
 ‘ *declaratum existit, omnia, et singula in Billa*
 ‘ *prædicta contenta fore vera et indubia; ac idem*
 ‘ *Dominus Rex, de Assensu dictorum trium*
 ‘ *Statuum Regni, & Autoritate prædicta, omnia*
 ‘ *& singula præmissa in Billa prædicta contenta*
 ‘ *concedit, & ea pro vero & indubio pronunciat,*
 ‘ *decernit, & declarat (p).*

The

(p) Here he creates and ratifies his own Title.

Ibid.

The Reader is to observe, that this Parliament K. Richard III. is not introduced in the *Abridgment of the Records*, or in the *Roll itself*, with that Formality as most of or all the rest are. There are no Writs of Summons, nor Names of Peers; no Speech from the Throne, or from the Lord Chancellor, declaring the Cause of the Meeting, nor any Speaker to the Commons mentioned in it. Neither is there any Observations on the Proceedings of this Parliament. Notice taken of a Tax or Subsidy; tho' this Imposition is said, by Historians, to have been very grievous and burthensome to the People. There is no manner of Wonder that the Act of Attainder, against the Earl of *Richmond* and his Followers, is not to be found on Record: Conquest and Succession to the Crown, soon after, gave him Power enough, not only to abrogate that Act, but even to erase it from the Records. And, the Reason the abovesaid Roll is yet extant, may be assigned to the Policy of the Conqueror; since it convey'd a *Stigma*, or Blot, on the House of *York*, by bastardising of *Edward's* Children. And, yet, this politic Successor was obliged to marry the eldest Princess of that House, by Compact and Agreement with his Coadjutors; in order to settle for ever those fatal Differences, which had divided and torn the Nation for so many Years, about the disputed Titles of *York* and *Lancaster*.

Richard was well aware that this proposed Union was the greatest Motive, the Malecontents to his Government had, to draw in many more indifferent People, not only to wish for, but to endeavour to bring it about. In order, therefore, to frustrate this Project, he took a pious Resolution to add Incest to the rest of his enormous Crimes, by marrying the Princess *Elizabeth* his eldest Brother's Daughter himself. The *History of Croyland* informs us, that, during the Sitting of this Parliament, *Richard*, by fair Promises, mixed with some terrible Threats, had, at last, prevailed upon the too easy Queen, to send all her Daughters to Court; where they were received, by their
unnatural

396 *The Parliamentary History*

R. Richard III. unnaturai Uncle, with all seeming Tenderneſs and Affection. At this Time alſo, the ſame Authority tells us, that the King got together, almoſt, all the Lords Spiritual and Temporal in the Kingdom, the Chief of the Members of the Houſe of Commons, and the principal Perſons of his Houſhold, into a private Parlour (*q*) of the Palace ; and commanded them to take a new coined Oath, by whom framed is uncertain, to be true to the Succeſſion of his only Son *Edward*, in caſe of his Father's Mortality ; and they were all, likewise, obliged to ſign their Names to it. But to proceed.

Mr. *Rapin*(*r*) obſerves, that *Richard* called this Parliament at a very ſeaſonable Juncture. The Duke of *Buckingham's* Conſpiracy ſeeming entirely ſtified by the Death of that Lord, and the Retreat of the Earl of *Richmond*(*s*), there was not in the Kingdom any Perſon in a Condition to lift up his Head againſt him. So the Parliament, adds he, conſiſting, no doubt, of Representatives devoted to the King, declared *Edward* the Fourth's Iſſue illegitimate; and confirmed *Richard's* irregular Election, with his pretended Right to the Crown. This Act was abſolutely neceſſary for *Richard's* Security ; beſides, ſays our Author, the Parliament thereby avoided the Trouble of enquiring after the Fate of *Edward V.* whom all *England* had for ſome Months acknowledged for King. Then an Act of Attainder was paſſed againſt *Henry* Earl of *Richmond*, and all his Adherents, by vertue whereof all their Eſtates were forfeited to the King. By this Act, which declared all thoſe Rebels and Traitors, that were concerned in the Duke of *Buckingham's* and the Earl of *Richmond's* Conſpiracies, all the late Executions

Henry Earl of Richmond and his Adherents attainted.

(*q*) *In quodam inferiori Coenaculo, juxta Ambitum qui ducit ad Cameras Reginae.* HIST. CROYL. Cont. P. 570.

(*r*) *RAPIN's Hiſt. of Eng. Fol. Ed. P. 642.*

(*s*) *Richmond* had been waiting upon the *Engliſh* Coaſts, with a few Ships, but when he was aſſured of *Buckingham's* Defeat and Death, he ſailed back into *Britany.* HIST. CROYL. Cont. P. 570.

cutions were in some measure justified; because, K. Richard III, still, *adds our Authority*, such as had suffered, were considered as guilty of the Crime condemned by this Act.

The Sense of another Author, who, tho' a Foreigner, seems to make a just Reflection on this Matter, is this (*t*). 'The Decree above being
' registred amongst the Acts of the Parliament,
' and by that made authentical in every Part of
' it, makes it appear that the Kings of *England*
' have Power to do what they will, when they
' are either loved for their Virtues, or feared for
' their Force. As to what concerns Love, there
' is no Proof of it in this present Case; but of
' Fear, sufficient; that Terror being the *primum*
' *mobile* in this Business.'

But, it must be allowed that some other Business was done in this Parliament, besides settling the Succession, and passing the Bill of Attainder. Many wholesome Laws, very beneficial to the Public, were enacted in it; a plain Evidence of which is their standing unrepealed, in our *Statute-Books*, to this Day. Some of the most remarkable we shall mention.

1. 'That whereas the Subjects of this Realm Useful Acts passed.
' had of late been burdened with a new Imposition, called a *Benevolence*, the same should not
' thenceforth be exacted. 2. That every Justice
' of Peace shall have Power to admit a Prisoner,
' arrested for Felony, to Bail, and that no Officer
' shall seize the Goods of a Prisoner, arrested for
' Felony, till be attainted. 3. That no Person
' shall be impannelled upon Juries, but who hath
' Twenty Shillings Freehold, or Twenty-six Shillings and Eight-pence Copyhold, at the least.
' 4. That Wine and Oil-Vessels shall contain as follows: Every Tun shall hold 252 Gallons; a
' Pipe 126 Gallons; a Tertian 84 Gallons; a
' Hogshead 63 Gallons; a Barrel 31 Gallons and
' a half; a Rundlet 18 Gallons and a half (*u*).'

The

(*t*) BIONDI, Vol. II. P. 116.

(*u*) STATUTES AT LARGE, Anno 1, Ric. III. Cap. 2, 3, 4, 13.

K. Richard III.

The Act against collecting Benevolences hath this remarkable Preamble :

‘ The King, remembring how the Commons
 ‘ of this his Realm, by new and unlawful Inven-
 ‘ tions and inordinate Covetousness, against the
 ‘ Law of his Realm have been put to great
 ‘ Thraldom and insupportable Charges and Exac-
 ‘ tions, and especially by a new Imposition called
 ‘ a *Benevolence* ; whereby for divers Years the
 ‘ Subjects and Commons of this Land, against
 ‘ their Wills and Freedoms, have paid great Sums
 ‘ of Money to their almost utter Destruction ;
 ‘ for divers and many worshipful Men of this
 ‘ Realm, by occasion thereof were compelled to
 ‘ break up their Housholds, and to live in great
 ‘ Penury and Wretchedness, their Debts unpaid,
 ‘ and their Children unprefer’d ; and such Memo-
 ‘ rials as they had ordained to be done for the
 ‘ Wealth of their Souls anentised and annulled, to
 ‘ the great Displeasure of God, and Destruction
 ‘ of this Realm.’ Therefore, &c.

It is easy to see that the Intent of this Act had a double Aspect, to make *Richard*’s own Government seem mild and sparing of his Subjects Money, at the same time that it cast an Odium on that of his Brother *Edward* (x). But, it was not very long, after passing this Act, that *Richard* himself broke it ; for, on the first News of the Earl of *Richmond*’s Invasion, having sufficiently emptied his Coffers, and squandered away the great Treasure left by his Brother, he had Recourse to the very same Means (which he had condemned in open Parliament,) to procure more. And, says our cotemporary Authority, the Word *Benevolence* which had been used with so much Contempt, converted itself ; for the King sent out his Creatures, who were Children of this World, and therefore wiser than the Children of Light, who by Prayers and Threats, by Hook or Crook, scraped and gleaned together vast Sums of Money,
 from

(x) See before in this Volume, P. 349.

from almost all Sorts of People, and carried it to K. Richard III. the King's Treasury (y).

This is all we can collect relating to the Transactions of this Parliament, either from the Records, Statute-Books, or Historians; what we have else to say in this Reign, is, that a new Invasion, happening soon after under the Earl of *Richmond*, King *Richard* lost his Life and his Crown in the Battle of *Bosworth*, August 22, 1485, and the Conqueror was proclaimed, at the Head of his Army, King of *England*, &c. in the open Field. Richard killed at the Battle of Bosworth.

Thus fell the last of the Sons of *Richard* Duke of *York*; whose violent Ambition proved the Ruin of him and all the Male Line of *Plantagenet*. Had he been content with the Protectorship, he would have had no Enemies, but have ended his Days in Peace and Honour; and seen the Crown established in his Family. It is certain that the Historians, immediately following these Times, in Compliment perhaps to the reigning Prince, have given us *Richard's* Character as black as it could be made. Mr. *Buck* has endeavoured as far to polish it, and to represent him a Prince of much better Shape both in Body and Mind, than he had been generally esteemed. Various are the Censures which have passed on his Performance; we shall only trouble the Reader with that of Dr. *Fuller*, 'His Memory, says he, speaking of King *Richard*, 'has met with a modern Pen, 'who has not only purged but praised it to the 'Heighth; and, pity it is, that so able an Advocate, had not a more meriting Person for his 'Client (z).'

The

(y) HIST. CROYL. Cont. P. 571, 2.

(z) FULLER's *Worthies*, P. 282, in *Northamptonshire*. Bishop *Kennet*, in his Notes on Lord *Verulam's* History of the succeeding Reign, remarks, That amongst the Number of Persons attainted in the first Parliament of *Henry VII*, was one *John Buck*, beheaded at *Bosworth*, a Relation to *George Buck*, the Author of the Life of *Richard III*. which perhaps, adds he, was the Reason why that Historian, in Opposition to other Writers on the same Subject, endeavours to have it believed, that King *Richard* was both a great and a good Man. KENNETT's *Collection*, Vol. II. P. 581.

K. Richard III.

The celebrated *French* Writer of *English* History, concludes his Reign of *Richard* III. in this Manner :

‘ Let us close, says he, the History of the
 ‘ *Plantagenets*, with a brief Recapitulation of the
 ‘ most memorable Accidents that befel the Kings
 ‘ of this Race, whilst on the Throne of *England*.
 ‘ In this Summary of the fourteen foregoing
 ‘ Reigns, it will be seen, not without Astonish-
 ‘ ment, perhaps, that the Happiness and Glory
 ‘ enjoyed by this Race, for above three hundred
 ‘ Years, were, almost nothing, in comparison of
 ‘ their Misfortunes.’ And then he begins with a
 long Detail of direful Accidents, all tending to
 prove, that even God Almighty himself, always
 acted in Opposition to an Hereditary Title to the
English Crown. On which extraordinary Reca-
 pitulation, his Translator and Annotator Mr.
Tindal, makes this just Reflection :

‘ It were to be wished that so good an Histo-
 ‘ rian as *Rapin*, had been more sparing of
 ‘ God’s Judgments ; such Remarks at best being
 ‘ a Sign of great Weakness. But when they are
 ‘ built on Falsities in Fact, as is sometimes the
 ‘ Case, they are inexcusable. Of this, adds he,
 ‘ we have an Instance, even in *Rapin* himself.
 ‘ And, as for the long List of God’s Judgments
 ‘ upon the House of *Plantagenet*, it contains no-
 ‘ thing extraordinary ; nothing but what is very
 ‘ common in this World, and what might easily
 ‘ be matched out of the Histories of several other
 ‘ Nations (a).’

(a) *RAPIN’s Hist. of England*, Fol. Edit. P. 647. Note 8.

THE great God of Battles having given King Henry VII, Henry Earl of Richmond a compleat Victory over his mortal Enemy Richard III. and he being slain in the Field, the Diadem, for which they both fought, and which Richard wore on his Head that Day, being found, was immediately put on Henry's; and, according to a Roman Custom, he was saluted Emperor by the Soldiery in the open Field. The Title to a Crown by Conquest, must be allow'd a very strong one; but Henry VII would not trust to that, nor solely to the lame Pedigree he pretended to claim from John of Gaunt, the Source of the Lancastrian Stream; knowing well, that it was so obstructed in the Way, by a Bar of Bastardy, that it was impossible to make it seem clear to the World (a). The best Title he had, was by Marriage with the Princess Elizabeth, eldest Daughter to King Edward IV. and which he was obliged by Compact to consummate. But yet, his inbred Hatred to the House of York was so great, that he disdain'd a Power that would then be more Matrimonial than Regal; and so resolv'd to rest upon the Title of Lancaster, as chief; and, as the great Lord Bacon observes, to use the other two, of Conquest and Marriage, as Supporters to it (b).

His Title to the Crown.

VOL. II.

C c

With

(a) For Henry the Seventh's Title to the Crown by Descent, see the Life of Edward IV. by John Habington, Esq; in Kennet, Vol. I. p. 471.

Philip de Commynes, in speaking of the violent Proceedings in Richard's Reign, says, *Le dict Roy Richard ne le porta pas loing; car contra lui esleva Dieu un Ennemy, (et tout en l'Instant) que n'avoit ne Croix ne Pille, ne nul Droiect, comme je croy, a le Couronne d'Angleterre; ne estime riens, fors que de sa Personne estoit honeste, et avoit beaucoup souffert; car le pluspart de sa vie avoit este Prisonnier.* Livre Sixiesme, Chap. ix.

(b) Polydore Vergil introduces two Prophecies to confirm Henry's Title to the Crown, in these Words:

Henricus Principum atque Populi jussu Rex creatur; fuit ille Annus Salutis, M.CCCC.LXXXVI. Henricus sic Regnum adeptus est, quod Dei Nutu & Consilio gestum, et provisum esse, visum est, quando abhinc, id est, ex hoc Anno Salutis, 1486, Annos D.CC.XCVII. Memoriae proditum ferunt, Vocem Divinitus Cadoualadro ultimo Britannorum Regi, redditam, ejus Progeniem rursus regna-

402 *The Parliamentary History*

King Henry VII.

Anno Regni I.
1486.
At Westminster.

The State of the
Peerage.

With these Views Henry took Possession of the English Crown ; and the Solemnity of his Coronation was perform'd in the usual Place and Manner, on the 13th Day of October, in the Year 1485. The next Year, in order to gain a further Sanction to his Title, he called a Parliament, by Writs bearing Date at *Westminster*, Sept. 15. *Anno Regni sui primo*, to meet at the same Place, on the 7th Day of Nov. following. A List of the Peers, on this other great Revolution in the State, is as follows(c):

<i>John Duke of Suffolk,</i>	<i>George Lord Nevile of</i>
<i>Jasper (d) Duke of Bedford,</i>	<i>Bergavenny,</i>
<i>William Earl of Arundele,</i>	<i>Richard Lord Grey,</i>
<i>John Earl of Oxford,</i>	<i>Richard Lord De la</i>
<i>Edmund Earl of Kent,</i>	<i>Ware,</i>
<i>William Earl of Nottingham,</i>	<i>Thomas Lord Lumley,</i>
<i>Edward Earl of Wilts,</i>	<i>John Lord Broke of Cob-</i>
<i>Richard Earl Rivers,</i>	<i>ham,</i>
<i>Thomas Earl of Derby.</i>	<i>John Lord Mountjoy,</i>
<i>William Earl of Huntington,</i>	<i>John Lord Stourton,</i>
<i>Edward Earl of Devon,</i>	<i>John Lord Sutton of</i>
<i>Ralph Lord Greystock,</i>	<i>Dudley,</i>
<i>Thomas Lord Scrope of Masham,</i>	<i>John Lord Denham,</i>
<i>Richard Lord Beauchamp,</i>	<i>Thomas Lord Arundele of</i>
	<i>Matravers,</i>
	<i>Edward Viscount Lisle,</i>
	<i>John Lord Grey of</i>
	<i>Powis,</i>
	<i>Henry Lord Clifford of</i>
	<i>Clifford (e),</i>

John

regnaturam. Istius Vocis Fato Henricum dictum Regnum obtinuisse, Opinio per Animos Hominum jampridem pervaserat, quod et Henricus Sextus futurum prædixerat.

POL. VERG. *Ang. Hist. Lib. xxvi. p. 566.*

(c) From DUGDALE'S *Summons to Parliament, An. 1. Hen. VII. p. 476, &c.*

(d) *Jasper Earl of Pembroke*, King Henry's Uncle, had been created by him Duke of Bedford, at his Coronation. As was also *Thomas Lord Stanley* made Earl of Derby, the King's Father in Law. And *Edward Courtney*, Earl of Devon.

Lord BACON'S *Henry VII.*

(e) The Story of the Preservation of this Lord Clifford from the Fury

John Ratcliff Lord Fitz- William Viscount Beau King Henry VII.
Walter, mont.

The Judges,

Lord Chief Justice Husee, Sir Humphrey Starky,
Sir Thomas Brian, John Sulard,
Sir Guy Fairfax, John Vavasour,
Sir John Gatesby, William Hode, Attorney
Sir Richard Noel, General.
Sir Roger Townshend,

Mr Rapin introduces his Account of the Proceedings of this Parliament in this Manner :

‘ Eight Days after the Coronation the Parliament met ; Henry’s Ends in calling a Parliament were chiefly four. The first, was to be declar’d King *de Jure*, as he was already King *de Facto* ; and to secure the Crown to his Posterity by an Act in Form. The second, to reverse the Attainders of all his Party. The third, to attaint those who had express’d a great Animosity against him, and most Zeal for the late King. The fourth and last, was to shew, that tho’ he had by his sole Authority placed himself on the Throne, to prevent his Title from being questioned ; he intended however to govern the Kingdom like his Predecessors, by Way of Parliaments, and not assume a despotic Power. This Step, adds our Author, was absolutely necessary for a Prince whose Title was so dubious ; and who ascended the Throne without being call’d to it, in the *usual Way*.’

The great Lord Bacon, in his *History of the Life and Reign of King Henry VII.* from whom all our modern Historians, particularly the last, have copied, is so very exact in his Account of the Proceedings in this first Parliament called by this King, that we are persuaded that noble Author’s

Cc 2

Fury of the House of York, who would certainly have sacrific’d him for his Father’s Cruelty ; and his being brought up as a Shepherd to this Time, having never learnt to read or write, is very remarkable.

See DUGDALE’s *Baron.* Vol. II. p. 342.

King Henry VII. thor's own Words will be more acceptable than any Abridgment or Alteration of them. He tells us, ' That on the seventh of *November* the King held his Parliament at *Westminster*, which he had summoned immediately after his coming to *London*. His Ends in calling a Parliament, and that so speedily, were chiefly three; first, to procure the Crown to be entailed upon himself. Next, to have the Attainders of all of his Party, which were in no small Number, reversed, and all Acts of Hostility by them done in his Quarrel, remitted and discharged; and, on the other Side, to attain by Parliament, the Heads and Principals of his Enemies. The third, to calm and quiet the Fears of the rest of that Party, by a general Pardon; not being ignorant in how great Danger a King stands from his Subjects, when most of his Subjects are conscious in themselves, that they stand in his Danger. Unto these three special Motives of a Parliament was added, that he, as a prudent and moderate Prince, made this Judgment; that it was fit for him to hasten to let his People see, that he meant to govern by Law, howsoever he came in by the Sword; and fit also to reclaim them to know him for their King, whom they had so lately talked of as an Enemy or banished Man. For that which concerned the Entailing of the Crown, (more than that he was true in his own Will, that he would not endure any mention of the Lady *Elizabeth*, no not in the Nature of special Entail,) he carry'd it otherwise with great Wisdom and Measure. For he did not press to have the Act penned by way of Declaration or Recognition of Right; as on the other Side, he avoided to have it by new Law or Ordinance; but chose rather a kind of Middle-way, by way of Establishment, and that under Covert and indifferent Words; *That the Inheritance of the Crown should rest, remain, and abide in the King, &c.* which Words might equally be applied, That the Crown should continue to him; but whether

The Succession
of the Crown settled
on Henry and
his Heirs.

whether as having former Right to it, which was ^{King Henry VII.} doubtful, or having it then in Fact and Possession, which no Man denied, was left fair to Interpretation either way. And again, for the Limitation of the Entail, he did not press it to go farther than to himself and to the Heirs of his Body, not speaking of his right Heirs; but leaving that to the Law to decide; so as the Entail might seem rather a personal Favour to him and his Children, than a total Disinheritance to the House of York. And in this Form was the Law drawn and passed (g). This Statute he procured to be confirmed by the Pope's Bull the Year following, with mention nevertheless, by way of Recital, of his other Titles, both of Descent and Conquest. So as now the Wreath of Three was made a Wreath of Five (h), for to the three first Titles of the two Houses, and Conquest, were added two more, the Authorities Parliamentary and Papal (i).

Cc 3

The

(g) The Words of the Act of Settlement on Henry, are these:
 ' To the Pleasure of Almighty God, Wealth, Prosperity and Sure-
 ' ty of this Realm of *England*, and to the singular Comfort of all
 ' the King's Subjects of the same, in avoiding all Ambiguities and
 ' Questions; be it ordained, established, and enacted, by this pre-
 ' sent Parliament, that the Inheritance of the Crown of this
 ' Realm of *England*, and also of *France*, with all the Prehemi-
 ' nence and Dignity Royal to the same belonging beyond the Sea,
 ' with the Appurtenances thereto in any wise due or appertaining;
 ' shall rest, remain, and abide in the most Royal Person of our now
 ' Sovereign Lord King Henry the Seventh, and in the Heirs of his
 ' Body lawfully coming, perpetually with the Grace of God so to
 ' endure, and in none other.'

HALL's *Chronicle*, Henry VII. Fol. III.

(h) Nathaniel Bacon makes it a Wreath of six, viz. By Inheritance, War, Espousals, Election, Gift of Parliament; and lastly, by Pontifical Benediction.

BACON on *Government*, Fol. p. 114. Ed. 1739.

(i) The Pope's Bull for confirming the Crown to Henry, by virtue of this Entail, is in the Collection of *Publick Acts*, Tom. XII. P. 297. in which is this remarkable Expression: *Non modo Jure Belli, ac notorio & indubitato proximo Successionis Titulo, verum etiam omnium Prælatorum, Procerum, Magnatum, Nobilium, totiusque ejusdem Regni Angliæ, Plebis Electione & Voto, nec non Decreto, Statuto, & Ordinatione ipsius Angliæ, Regni trium Statuum in ipso Conventu Parlamento noncupato.*

King Henry VII.

‘ The King likewise in the Reversal of the Attainders of his Partakers, and discharging them of all Offences incident to his Service and Succour, had his Will and Acts passed accordingly. In the Passage whereof, Exception was taken to divers Persons in the House of Commons, for that they were attainted, and thereby not legal, nor habilitate to serve in Parliament, being disabled in the highest Degree: And that it should be a great Incongruity to have them to make Laws, who themselves were not inlawed. The Truth was, that divers of those which had in the Time of King *Richard* been strongest and most declared for the King’s Party, were returned Knights and Burgessees for the Parliament, whether by Care or Recommendation from the State, or the voluntary Inclination of the People; many of which had been by *Richard* the Third attainted by Outlawries, or otherwise. The King was somewhat troubled with this: For though it had a grave and specious Shew, yet it reflected upon his Party. But wisely not shewing himself at all moved therewith, he would not understand it but as a Case of Law; and wished the Judges to be advised thereupon; who, for that purpose, were forthwith assembled in the Exchequer-Chamber, which is the Council-Chamber of the Judges; and upon Deliberation they gave a grave and safe Opinion and Advice, mixed with Law and Convenience; which was, that the Knights and Burgessees attainted by the Course of Law, should forbear to come into the House, till a Law were passed for the Reversal of their Attainders.’

The Attainders
of Henry’s
Friends revers’d.

‘ It was at that time incidently moved amongst the Judges in their Consultation, what should be done for the King himself, who likewise was attainted; but it was with unanimous Consent resolved, *That the Crown takes away all Defects and Stops in Blood; and that from the Time the King did assume the Crown, the Fountain was cleared, and all Attainders and Corruption of Blood discharged.*

charged. But nevertheless for Honour's Sake it ^{King Henry VII.} was ordained by Parliament, that all Records wherein there was any Memory, or Mention of the King's Attainder, should be defaced, cancelled, and taken off the File.'

' But on the Part of the King's Enemies, there were by Parliament attainted, the late Duke of *Glocester*, calling himself *Richard* the Third, the Duke of *Norfolk*, the Earl of *Surry*, Viscount ^{And several of his Enemies at-} *Lovel*, the Lord *Ferrers*, the Lord *Zouch*, *Richard Ratcliffe*, *William Catesby*, and many others of Degree and Quality. In which Bills of Attainders nevertheless, there were contained many just and temperate Clauses, Savings and Proviso's, well shewing and fore-tokening the Wisdom, Stay, and Moderation of the King's Spirit of Government. And for the Pardon of the rest that had stood against the King, the King upon a second Advice, thought it not fit it should pass by Parliament, the better, being Matter of Grace, to impropriate the Thanks to himself; using only the Opportunity of a Parliament-Time, the better to disperse it into the Veins of the Kingdom. Therefore during the Parliament, he published his Royal Proclamation, offering Pardon and Grace of Restitution, to all such as had taken Arms, or been participant of any Attempts against him; so as they submitted themselves to his Mercy by a ^{Pardons to others,} Day, and took the Oath of Allegiance and Fidelity to him. Whereupon many came out of Sanctuary, and many more came out of Fear, no less guilty than those that had taken Sanctuary.'

' As for Money or Treasure, the King thought it not seasonable, or fit, to demand any of his Subjects at this Parliament; both because he had received Satisfaction from them in Matters of so great Importance, and because he could not remunerate them with any general Pardon, being prevented therein by the Coronation-Pardon, passed immediately before. But chiefly, for that it was in every Man's Eye, what great Forfeitures

King Henry VII. and Confiscations he had at that present to help himself; whereby those Casualties of the Crown might in reason spare the Puries of his Subjects; especially in a Time when he was in Peace with all his Neighbours (*k*). Some few Laws passed at that Parliament, almost for Form-sake; amongst which there was one, to reduce Aliens, being made Denizens, to pay Strangers Customs; and another, to draw to himself the Seizures and Compositions of *Italian Goods*, for not Employment, being Points of Profit to his Coffers, whereof from the very Beginning he was not forgetful; and had been more happy at the latter End, if his early Providence, which kept him from all Necessity of exacting upon his People, could likewise have temper'd his Nature therein. He added during Parliament, to his former Creations, the Ennoblement or Advancement in Nobility of a few others: The Lord *Chandos* of *Britain*, was made Earl of *Bath*, and Sir *Giles Dawbeney* was made Lord *Dawbeney*, and Sir *Robert Willoughby* Lord *Brooke*.

Laws pass'd;

And Preferments.

‘The King did also with great Nobleness and Bounty, which Virtues at that Time had their Turns in his Nature, restore *Edward Stafford*, eldest Son to *Henry Duke of Buckingham*, attainted in the Time of King *Richard*, not only to his Dignities, but to his Fortunes and Possessions, which were great; to which he was moved also by a kind of Gratitude, for that the Duke was the Man that moved the first Stone against the Tyranny of King *Richard*, and indeed made the King a Bridge to the Crown upon his own Ruins. Thus the Parliament broke up.’

Thus far the noble Historian. What we have further to add to his full Account, is, only, an Abstract from *The Continuation of the History of Croy-*

(*k*) Though Lord *Bacon* says this, yet we are informed by the Collection of *Publick Acts*, that the usual Tonnage and Poundage, and the Subsidy on Wools, Wool-Fells and Hides, were granted by this Parliament. RYMER's *Fæd.* Tom. XII. P. 335.

The Clergy also granted a Tenth. *Ibid.* P. 323.

Croyland (1), so often before quoted, which ends in this very Year, relating to the Proceedings of this Parliament. It is there said, ' That after King Henry VII. King Henry's Coronation, a Parliament was held at *Westminster* in which many Things were treated of and done, (it were to be wished that all were for the general Good) too copious for this Compendium of a History, Amongst the rest, thirty Persons were proscribed, or more commonly, attainted (m), which Act, tho' much more modest than what was done in the Parliaments under the late Kings *Richard* and *Edward*, yet, did not pass without great Debates, or, to speak more plainly, many sharp Disputes and Altercations. O God! exclaims the Monk, what Security can Princes have, that their Subjects will defend their Persons in the Day of Battle; when, being forced there, perhaps, by their absolute Commands and Threats, the Side they fight for, as is often the Case, being worsted, they find their own Lives, Fortune, and Estates, involved in the common Ruin. In this Parliament, adds our Authority, the Crown was settled on *Henry*, as his real Right, not from one but many Titles; for he did not claim the *English* Diadem, so much from Blood or Affinity, as from the Right of Conquest in the Field. There were some, however, who chose rather to conceal their Thoughts than speak them openly; and the more so, because, by his own Consent, the King's Marriage with the Princess *Elizabeth*, eldest Daughter to King *Edward*, was there treated on, and agreed unto; in which Match, all the Deficiencies which *Henry* wanted in Title seemed well filled up. But of this, perhaps, more may be said in another Place.'

It is easy to see by this Quotation, from our cotemporary Historiographer, that he is no Advocate

(1) *Inter RERUM ANG. SCRIPT. VET. Ed. Gale, Tom. I. Pag. 581.*

(m) *Proscriptiones, quas vulgares Attincta vocant. Ibidem.*

King Henry VII. cate for *Henry's* Title, nor Friend to his Succession ; and, that, if he durst, he would have left us his Thoughts in a plainer Manner upon it. But his History ending, as is said before, in this very Year, we meet with no more Reflections about it, in that Author.

Henry appoints a Guard about his Person.

It is evident, however, by other Historians, that notwithstanding all the Precautions which *Henry* took to strengthen and support his Title to the Crown, in a Parliamentary Way ; yet, his Reign was not without some violent Concussions, which greatly shook his new acquired Diadem. The Partizans and Favourers of the House of *York* were still very powerful and numerous ; and omitted no Opportunity to exert themselves in that Cause. This he seemed well to foresee ; and his Jealousy on that Occasion made him institute a Guard of fifty Archers, under the Command of a Captain ; to be always near his Person, in case of any sudden Attempt. This was then a new Thing in *England* ; their Kings, before, were only guarded by the Laws, and their Subjects Affections. But, to take away all Jealousy of this small *standing Army*, he declared the Institution to be perpetual ; and that it was no more than what he had observed in his Exile to be done by foreign Princes ; that it did not become the Majesty of a King to be without a Guard ; for, it was requisite to be had, if not of Necessity, for Decency (*n*). An Institution that has been kept up, with an Addition of fifty more, by all our succeeding Princes. The Reader will find that *Henry's* Precautions were not without Reason.

He marries Elizabeth, Heiress of the House of York.

In the Beginning of the Year 1486, the Marriage was solemnized between King *Henry* and the Princess *Elizabeth* ; which was designed to have entirely united the two contending Titles, so that no future Efforts should be made, by either Side, to disturb it. But, yet, this very Year an Infurrection

(*n*) BRONDI, Book IX. Pag. 159.

Insurrection began, raised by the Lord *Lovel*, Sir *King Henry VII.*
Humphrey Stafford, and his Brother; though upon
the News of an Army coming against them they
dispersed themselves.

But, a much more dangerous Commotion
happened in the next Year, under a counterfeit
Plantagenet; one *Lambert Simnel*, a Baker's Son, *Lambert's Plot*
being spirited up to take the Name and Title of *defeated.*
Edward Earl of *Warwick*, only Son to *George*
late Duke of *Clarence*, and then a Prisoner in the
Tower. This Imposture was carried on so far,
that the counterfeit Prince was actually crowned
King of *England, &c.* at *Christ-Church*, in *Dublin*;
the *Irish* Nation always greatly favouring the Title
of the House of *York*. From that Kingdom the
new King came with considerable Forces into
England; where he was joined by the Earl of
Lincoln (o), and the Lord *Lovel*, Sir *Thomas*
Broughton and others; but, meeting with King
Henry's Forces near a Village called *Stoke* in *Not-*
tinghamshire, a Battle ensued, in which *Henry* was
again victorious, the aforesaid Lords, &c, slain,
their upstart King taken Prisoner, and their whole
Army cut in Pieces. Thus, *Lambert's* Pageantry
soon came to an End, and he himself was degraded
from his high State to be a mean Servitor in the
King's Kitchen.

‘ For the extirpating the Roots and Causes of
the like Commotions in Time to come, the King,
says Lord *Bacon*, began to find where his Shoe
did wring him; and that it was his depressing the
House of *York*, that did rangle and fester the Af- *The Queen*
fections of his People. He, therefore, with much *crowned.*
Reluctancy, consented to the Coronation of his
Queen,

(o) This *John* Earl of *Lincoln*, was Son of *John de la Pole*, Duke
of *Suffolk*, by *Elizabeth* King *Edward* the Fourth's eldest Sister.
King *Richard III.* in case he had disabled the Issues of his elder
Brothers from inheriting the Crown, and that himself should have
no Children, had designed this Nobleman to succeed to the Crown.

Francis Viscount *Lovel* was Lord Chamberlain to *Richard III.*

LORD BACON.

412 *The Parliamentary* HISTORY

King Henry VII.

Queen, which was done with much Solemnity at *Westminster*, soon after his Return from the last Victory, but two Years after his Marriage; which, adds our Authority, was like an old Christening that had staid long for Godfathers.

Anno Regni 3,
1488.
At Westminster.

The next Year some Foreign Affairs came upon the Carpet, which had like to have ended in a War between *France* and *England*. The Occasion of it will best appear by the Proceedings of another Parliament, which the King was obliged to call, by Writs bearing Date *September* the first, to meet at *Westminster* on the ninth Day of *November* following, and in the third Year of his Reign. Being all assembled, *Thomas Morton*, Archbishop of *Canterbury* and Chancellor of *England*, declared the Cause of the Summons in Words to this Effect:

‘ My Lords and Masters (p),

The Lord Chancellor's Speech to both Houses.

‘ **T**HE King's Grace, our Sovereign Lord, hath commanded me to declare unto you the Causes that have moved him at this Time to summon this his Parliament, which I shall do in few Words; craving Pardon of his Grace and you all, if I perform it not as I would.

‘ His Grace doth first of all let you know, that he retaineth in thankful Memory the Love and Loyalty shewed to him by you, at your last Meeting, in Establishment of his Royalty; freeing and discharging of his Partakers, and Confiscation of his Traitors and Rebels; more than which could not come from Subjects to their Sovereign, in one Action. This he taketh so well at your Hands, as he hath made it a Resolution to himself to communicate with so loving and well approved Subjects, in all Affairs that are of publick Nature, at Home or Abroad.

‘ Two

(p) Lord BACON.

‘ Two, therefore, are the Causes of your ^{King Henry VII.}
 ‘ present assembling: The one, a Foreign Busi-
 ‘ ness; the other, Matter of Government at
 ‘ Home.

‘ The *French* King (as no doubt you have
 ‘ heard) maketh at this present hot War upon the
 ‘ Duke of *Brittaine*. His Army is now before
 ‘ *Nants*, and holdeth it straitly besieged, being
 ‘ the principal City (if not in Ceremony and
 ‘ Preheminence, yet in Strength and Wealth) of
 ‘ that Duchy. You may guess at his Hopes, by
 ‘ his attempting of the hardest Part of the War
 ‘ first. The Cause of this War he knoweth best.
 ‘ He alledgeth the entertaining and succouring
 ‘ of the Duke of *Orleans*, and some other *French*
 ‘ Lords, whom the King taketh for his Enemies.
 ‘ Others divine of other Matters. Both Parts
 ‘ have by their Ambassadors divers times prayed
 ‘ the King’s Aids: The *French* King, Aids or
 ‘ Neutrality; the *Brittons*, Aids simply; for so
 ‘ their Case requireth. The King, as a Chri-
 ‘ stian Prince, and blessed Son of the Holy Church,
 ‘ hath offered himself as a Mediator, to treat a
 ‘ Peace between them. The *French* King
 ‘ yieldeth to treat, but will not stay the Prosecu-
 ‘ tion of the War. The *Brittons*, that desire
 ‘ Peace most, hearken to it least; not upon
 ‘ Confidence or Stiffness, but upon Distrust of
 ‘ true Meaning, seeing the War goes on. So as
 ‘ the King, after as much Pains and Care to effect
 ‘ a Peace, as ever he took in any Business, not
 ‘ being able to remove the Prosecution on the one
 ‘ Side, nor the Distrust on the other, caused by
 ‘ that Prosecution, hath let fall the Treaty; not
 ‘ repenting of it, but despairing of it now, as
 ‘ not likely to succeed. Therefore, by this
 ‘ Narrative you now understand the State of the
 ‘ Question, whereupon the King prayeth your
 ‘ Advice; which is no other, but, Whether he
 ‘ shall enter into an auxiliary and defensive War
 ‘ for the *Brittons* against *France*?

‘ And

King Henry VII.

‘ And for the better to open your Understandings
 ‘ in this Affair, the King hath commanded me
 ‘ to say somewhat to you from him, of the Per-
 ‘ sons that do intervene in this Business; and
 ‘ somewhat of the Consequence thereof, as it
 ‘ hath Relation to this Kingdom; and somewhat
 ‘ of the Example of it in general; making
 ‘ nevertheless no Conclusion or Judgment of
 ‘ any Point, until his Grace hath receiv’d your
 ‘ faithful and politick Advices.

‘ First, for the King our Sovereign himself,
 ‘ who is the principal Person you are to eye in
 ‘ this Business; his Grace doth profess, that he
 ‘ truly and constantly desireth to reign in Peace.
 ‘ But his Grace saith, he will neither buy Peace
 ‘ with Dishonour, nor take it up at Interest of
 ‘ Danger to ensue; but shall think it a good
 ‘ Change, if it pleased God to change the inward
 ‘ Troubles and Seditions, wherewith he hath
 ‘ been hitherto exercised, into an honourable Fo-
 ‘ reign War. And for the other two Persons in
 ‘ this Action, the *French King*, and the Duke of
 ‘ *Brittaine*, his Grace doth declare unto you,
 ‘ that they be the Men, unto whom he is of all
 ‘ other Friends and Allies most bounden; the one
 ‘ having held over him his Hand of Protection
 ‘ from the Tyrant, the other having reach’d
 ‘ forth unto him his Hand of Help, for the Re-
 ‘ covery of his Kingdom. So that his Affection
 ‘ toward them in his natural Person, is upon
 ‘ equal Terms. And whereas you may have
 ‘ heard, that his Grace was enforced to fly out of
 ‘ *Brittaine* into *France*, for Doubts of being be-
 ‘ tray’d; his Grace would not in any Sort have
 ‘ that reflect upon the Duke of *Brittaine*, in De-
 ‘ facement of his former Benefits; for that he is
 ‘ thoroughly inform’d, that it was but the Prac-
 ‘ tice of some corrupt Persons about him, during
 ‘ the Time of his Sickness, altogether without
 ‘ his Consent or Privity.

‘ But

‘ But howsoever these Things do interest his King Henry VII
 ‘ Grace in his particular, yet he knoweth well
 ‘ that the higher Bond, that tieth him to procure
 ‘ by all Means the Safety and Welfare of his
 ‘ loving Subjects, doth disinterest him of these
 ‘ Obligations of Gratitude, otherwise than thus ;
 ‘ that if his Grace be forced to make a War, he
 ‘ do it without Passion or Ambition.

‘ For the Consequence of this Action towards
 ‘ this Kingdom, it is much as the French King’s
 ‘ Intention is. For if it be no more, but to
 ‘ range his Subjects to Reason, who bear them-
 ‘ selves stout upon the Strength of the Duke of
 ‘ *Britaine*, it is nothing to us. But if it be in
 ‘ the *French* King’s Purpose, (or if it should not
 ‘ be in his Purpose, yet if it shall follow all one,
 ‘ as if it were sought,) that the *French* King shall
 ‘ make a Province of *Brittaine*, and join it to the
 ‘ Crown of *France* ; then it is worthy the Consi-
 ‘ deration, how this may import *England*, as
 ‘ well in the Increasement of the Greatness of
 ‘ *France*, by the Addition of such a Country,
 ‘ that stretcheth his Boughs unto our Seas, as in
 ‘ depriving this Nation, and leaving it so naked
 ‘ of so firm and assured Confederates, as the
 ‘ *Brittons* have always been (*q*). For then it will
 ‘ come to pass, that whereas not long since, this
 ‘ Realm was mighty upon the Continent, first in
 ‘ Territory and after in Alliance, in respect of
 ‘ *Burgundy* and *Brittaine*, which were Confede-
 ‘ rates indeed, but dependant Confederates ; now
 ‘ the one being already cast, partly into the
 ‘ Greatness of *France*, and partly into that of *Au-*
 ‘ *stria*, the other is like wholly to be cast into
 ‘ the Greatness of *France* ; and this Island shall
 ‘ remain

(*q*) It appears by this how much the growing Greatness of *France* was dreaded in those Days ; and how much more it is to be feared by *England*, when both these Maritime Dukedoms, of *Burgundy* and *Brittain*, have been long since annexed to that Crown.

King Henry VII. ' remain confined in effect within the Salt Waters, and girt about with the Coast Countries of two mighty Monarchs.

' For the Example, it resteth likewise upon the same Question, upon the *French King's* Intent. For if *Brittaine* be carried and swallowed up by *France*, as the World abroad (apt to impute and construe the Actions of Princes to Ambition) conceive it will ; then it is an Example very dangerous and universal, that the lesser Neighbour's Estate should be devoured by the greater. For this may be the Case of *Scotland* towards *England* ; of *Portugal* towards *Spain* ; of the smaller Estates of *Italy* towards the greater ; and so of *Germany* ; or as if some of you of the Commons might not live and dwell safely, besides some of these great Lords. And the bringing in of this Example, will be chiefly laid to the King's Charge, as to him that was most interested and most able to forbid it. But then on the other Side, there is so fair a Pretext on the *French King's* Part (and yet Pretext is never wanting to Power) in regard the Danger imminent to his own Estate is such, as may make this Enterprize seem rather a Work of Necessity than of Ambition, as doth in Reason correct the Danger of the Example. For that the Example of that which is done in a Man's own Defence cannot be dangerous, because it is in another's Power to avoid it. But in all this Business, the King remits himself to your grave and mature Advice, whereupon he purposeth to rely.'

' For that which may concern Government at home, the King hath commanded me to say unto you ; That he thinketh there was never any King (for the small Time that he hath reigned) had greater and juster Cause of
the

the two contrary Passions, of Joy and Sorrow, King Henry VII.
 than his Grace hath. Joy, in respect of the
 rare and visible Favours of Almighty God
 in girding the Imperial Sword upon his Side,
 and assisting the same his Sword against all his
 Enemies; and likewise in blessing him with
 so many good and loving Servants and Subjects,
 which have never failed to give him faithful
 Council, ready Obedience, and courageous
 Defence. Sorrow, for that it hath not pleased
 God to suffer him to sheath his Sword (as he
 greatly desired otherwise than for Administration
 of Justice) but that he hath been forced to draw
 it so oft to cut off traiterous and disloyal Sub-
 jects, whom (it seems) God hath left (a few
 amongst many good) as the *Canaanites* among
 the People of *Israel*, to be Thorns in their Sides,
 to tempt and try them; though the End hath
 been always (God's Name be blessed therefore)
 that the Destruction hath fallen upon their own
 Heads.

Wherefore his Grace saith, That he seeth,
 that it is not the Blood spilt in the Field that
 will save the Blood in the City; nor the Mar-
 shal's Sword that will set this Kingdom in
 perfect Peace; but that the true Way is, to
 stop the Seeds of Sedition and Rebellion in their
 Beginnings; and for that Purpose to devise,
 confirm, and quicken good and wholesome Laws,
 against Riots, and unlawful Assemblies of Peo-
 ple, and all Combinations and Confederacies of
 them, by Liveries, Tokens, and other Badges
 of factious Dependance; that the Peace of the
 Land may by these Ordinances, as by Bars of
 Iron, be soundly bound in and strengthened,
 and all Force both in Court, Country, and
 private Houses, be suppressed. The Care hereof,
 which so much concerneth yourselves, and
 which the Nature of the Times doth instantly
 call for, his Grace commends to your Wisdoms.

418 *The Parliamentary History.*

King Henry VII.

‘ And because it is the King’s Desire, that this
 ‘ Peace, wherein he hopeth to govern and main-
 ‘ tain you, do not bear only unto you Leaves for
 ‘ you to sit under the Shade of them in Safety,
 ‘ but also should bear you Fruit of Riches,
 ‘ Wealth and Plenty : Therefore his Grace prays
 ‘ you, to take into Consideration Matter of
 ‘ Trade, as also the Manufactures of the King-
 ‘ dom, and to repress the bastard and barren
 ‘ Employment of Monies, to Usury and unlaw-
 ‘ ful Exchanges, that they may be (as their na-
 ‘ tural Use is) turned upon Commerce, and
 ‘ lawful and Royal Trading. And likewise,
 ‘ that our People be set on Work in Arts and
 ‘ Handy-crafts ; that the Realm may subsist
 ‘ more of itself, that Idleness be avoided, and
 ‘ the draining out of our Treasure, for Foreign
 ‘ Manufactures, stopp’d. But you are not to
 ‘ rest here only, but to provide further, that
 ‘ whatsoever Merchandize shall be brought in
 ‘ from beyond the Seas, may be employ’d
 ‘ upon the Commodities of this Land ; whereby
 ‘ the Kingdom’s Stock of Treasure may be sure
 ‘ to be kept from being diminished, by any over-
 ‘ trading of the Foreigner.

‘ And lastly, because the King is well assured,
 ‘ that you would not have him poor, that wishes
 ‘ you rich ; he doubteth not, but, that you will
 ‘ have Care, as well to maintain his Revenues of
 ‘ Customs, and all other Natures, as also to sup-
 ‘ ply him with your loving Aids, if the Case
 ‘ shall so require. The rather, for that you
 ‘ know the King is a good Husband, and but a
 ‘ Steward in Effect for the Publick ; and that
 ‘ what comes from you is but as Moisture drawn
 ‘ from the Earth, which gathers into a Cloud,
 ‘ and falls back upon the Earth again. And you
 ‘ know well, how the Kingdoms about you grow
 ‘ more and more in Greatness, and the Times
 ‘ are stirring ; and therefore not fit to find the
 ‘ King

‘ King with an empty Purse. More I have not King Henry VII.
 ‘ to say to you ; and wish, that what hath been
 ‘ said, had been better exprest’d ; but that your
 ‘ Wisdoms and good Affections will supply.
 ‘ God bless your Doings.’

It has been observ’d, elsewhere in these Inquiries, that it is no hard Matter to dispose an *English* Parliament to give Money for a War with *France*. But, at this Time it was more than ordinarily their Interest to it ; in order to prevent the Growth of the *French* Monarchy, and to hinder them from making themselves Masters of the Duchy of *Britainy* ; which is full of Sea-ports and Havens, very well situated to do much Mischief to the *English*, either by Invasion or Interruption of Traffick. Wherefore the Parliament not only advised the King to espouse the Cause of the Duke of *Britain*, and send him some speedy Aid, but unanimously voted the King a large Supply for that Purpose (q). Accordingly, Robert Lord Brook was sent over to his Aid, with a Body of 8000 choice Men, well armed ; but it all came to nothing ; for the Duke having lost a Battle and soon after his Life, the *English* Forces were recalled, and the District of *Britainy* was reduced under Subjection to the Crown of *France*, in which State it hath ever since remained.

A large Supply
 voted for a War
 with France.

But, to return to the more private Business of this Session, in regard to the enacting of Laws for the Good of the Commonwealth. For, according to the Lord Chancellor’s Admonition, there were many excellent Laws made this Parliament, and as the King himself had recommended to them. Lord Bacon hath very elegantly

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ly

(q) Authors vary much about what this Tax or Subsidy was ; Polydore Vergil writes, that it was a Poll-Tax ; *Tributo in singula Capita imposito*. Old Fabian, and after him Hall, Hollingshead, and Stowe, say it was a Tenth Penny on all Lands and Goods. But, it was more likely the former, because a Poll-Tax was always odious to the People, and raised such a Commotion in the collecting of it.

King Henry VII. ly and judiciously drawn them all up under their several Heads, and we cannot do better than give them in his own Words as follow (r) :

Acts passed this
Parliament

Relating to the
Star-Chamber ;

‘ First, the Authority of the *Star-Chamber*, which before subsisted by the ancient Common Laws of the Realm, was confirmed in certain Cases by Act of Parliament. This Court is one of the sagest and noblest Institutions of this Kingdom. For in the Distribution of Courts of Ordinary Justice, (besides the High Court of Parliament) in which Distribution the King’s Bench holdeth the Pleas of the Crown ; the Common Place, Pleas Civil ; the Exchequer, Pleas concerning the King’s Revenue ; and the Chancery the Pretorian Power for mitigating the Rigour of Law, in case of Extremity, by the Conscience of a good Man : There was nevertheless always reserv’d a high and preheminent Power to the King’s Council, in Causes that might in Example, or Consequence, concern the State of the Commonwealth, which if they were criminal, the Council used to sit in the Chamber, call’d the *Star Chamber* ; if civil, in the *White-Chamber*, or *White-Hall*. And, as the Chancery had the Pretorian Power for Equity, so the Star-Chamber had the Censorian Power for Offences, under the Degree of Capital. This Court of Star-Chamber is compounded of good Elements, for it consisteth of four Kinds of Persons ; Counsellors, Peers, Prelates, and Chief-Judges. It discerneth also principally of four Kinds of Causes ; Forces, Frauds, Crimes various of Stellionate, and the Inchoations or middle Acts towards Crimes Capital, or heinous, not actually committed or perpetrated. But that which was principally aimed at by this Act was Force, and the two chief Supports of Force, Combination of Multitudes, and Maintenance or Headship of great Persons (s),

‘ From

¹ (r) KENNET, p. 594.

(s) It ss to be observ’d, that notwithstanding Lord Bacon’s high Character of this new Court of Justice, yet it was look’d upon in a succeeding

From the general Peace of the Country, the King's Care went on to the Peace of the King's House, and the Security of his great Officers and Counsellors. But this Law was somewhat of a strange Composition and Temper; That if any of the King's Servants under the Degree of a Lord, do conspire the Death of any of the King's Coun-
King Henry VII.
Conspiring the Death of the King's Counsel;
 fel, or Lord of the Realm, it is made Capital. This Law was thought to be procured by the Lord Chancellor, who being a stern and haughty Man, and finding he had some mortal Enemies in Court, provided for his own Safety; drowning the Envy of it in a general Law, by communicating the Privilege with all other Counsellors and Peers, and yet not daring to extend it further, than to the King's Servants in Checkrowle, lest it should have been too harsh to the Gentlemen, and other Commons of the Kingdom; who might have thought their ancient Liberty and the Clemency of the Laws of *England* invaded, if the Will in any Case of Felony, should be made the Deed. And yet the Reason which the Act yieldeth (that is to say, That he that conspireth the Death of Counsellors may be thought indirectly, and by a Means, to conspire the Death of the King himself) is indifferent to all Subjects, as well as to Servants in Court. However it seems this sufficed to serve the Lord Chancellor's Turn at this Time: But yet he liv'd to need a general Law, for that he grew afterwards as odious to the Country, as he was then to the Court.

From the Peace of the King's House, the King's Care extended to the Peace of private Houses and Families; for there was an excellent moral Law moulded thus; The taking and carrying away Women forcibly, and against their Will, (except Female Wards and Bond Women)
Rapes;

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was

succeeding Reign, as no better than an Act of great Tyranny; though begun by a King *de Facto*, and confirmed by a Parliament. This Court consisted of Counsellors, Peers, Prelates, and Chief-Judges; it took Cognizance of Forces, Frauds, Advances towards heinous and capital Crimes, not actually committed.

422 *The Parliamentary History*

King Henry VII. was made Capital. The Parliament wisely and justly conceiving, that the obtaining of Women by Force into Possession (howsoever afterwards Assent might follow by Allurements) was but a Rape drawn forth in length, because the first Force drew on all the rest.

Murders ;

‘ There was made also another Law for Peace in general, and repressing of Murthers and Man-slaughters, and was in Amendment of the Common Laws of the Realm, being this ; That whereas by the Common Law, the King’s Suit in case of Homicide, did expect the Year and the Day, allow’d to the Party’s Suit by Way of Appeal ; and that it was found by Experience, that the Party was many Times compounded with, and many Times wearied with the Suit, so that in the End such Suit was let fall, and by that Time the Matter was in a Manner forgotten, and thereby Prosecution at the King’s Suit by Indictment (which is ever best, *flagrante Crimine*) neglected ; it was ordained, That the Suit by Indictment might be taken as well at any Time within the Year and the Day, as after, not prejudicing nevertheless the Parties Suit.

Privilege of Clergy ;

‘ The King began also then, as well in Wisdom as in Justice, to pare a little the Privilege of Clergy, ordaining, That Clerks convicted should be burnt in the Hand, both because they might taste of some corporal Punishment, and that they might carry a Brand of Infamy. But for this good Act’s Sake, the King himself was after branded by *Perkin’s* Proclamation, for an execrable Breaker of the Rites of Holy Church.

Riots ;

‘ Another Law was made for the better Peace of the Country ; by which Law the King’s Officers and Farmers were to forfeit their Places and Holds, in case of unlawful Retainer, or partaking in Riots and unlawful Assemblies.

‘ These were the Laws that were made for repressing of Force, which those Times did chiefly require ; and were so prudently framed, as they are

are found fit for all succeeding Times, and so King Henry VII. continue to this Day.

‘ There was also made good and politick Laws in that Parliament, against Usury, which is the And Usury. Bastard Use of Money ; and against unlawful Chievances and Exchanges, which is Bastard Usury. And also for the Security of the King’s Customs ; and for the Employment of the Proceedings of Foreign Commodities, brought in by Merchant-strangers, upon the Native Commodities of the Realm : Together with some other Laws of less Importance.’

But, notwithstanding these good and salutary Laws were, by the three Estates, enacted ; yet the People were so far from being well reconciled to the Government that they seemed to watch all Opportunities to rebel against it. Accordingly, when the King’s Commissioners came down to levy the Subsidy in *Yorkshire* and the Bishoprick of *Durham*, the Inhabitants began to mutiny ; An Insurrection saying openly, That they had lately endured a in the North. thousand Injuries, and that they neither could nor would pay the Tax demanded. This was their Pretence ; but Lord *Bacon* observes that the Refusal did not proceed from any present Necessity, but from the old Humour of those Countries ; where the Memory of King *Richard* was so strong, that, like Lees, it lay in the Bottom of Men’s Hearts ; and, if the Vessel was but stirred, it would come up (*t*). The Commissioners, being somewhat astonished, referred the Matter to the Earl of *Northumberland*, who was the principal Man for Authority in those Parts. The Earl instantly informed the Court of it, and signified in plain Terms how boisterous these Northern

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(*t*) Ld. BACON, 595. HALL’s *Chronicle*, Henry VII. Fol. XVI. GRAFTON, P. 807, &c.

The particular Regard that the Citizens of *York*, with the Inhabitants of the adjacent Counties paid to King *Richard*, and he to them, is best seen in some Letters and Memorials, extracted from an old Register Book in that City, which are printed in DRAKE’s *History of York*. Fol. Lond. 1736.

King Henry VII. them People were, and desired the King's Directions about the Affair. *Henry* being, as the Saying is, as stiff as they were sturdy, sent back a peremptory Answer, ' That he would not abate
 ' one Penny of a Subsidy, which had been granted him by Parliament ; because it might encourage other Counties to expect the like Release, or Mitigation ; but, chiefly, because he
 ' would never suffer that the base Multitude should frustrate the Authority of Parliament, wherein their Votes and Consents were included.' Upon this Dispatch from Court the Earl assembled the principal Justices and Freeholders of the County ; and delivered the King's Mind to them in the very same imperious Language it was sent ; which should not have been so, but that, as Lord *Bacon* observes, this harsh Business was unfortunately fallen into the Hands of a harsh Man. In short, it proved fatal to himself ; for this Message did not only irritate the People greatly, but made them conceive that the Deliverer of it was the principal Contriver and Persuader of the Council. A Mob, or Rabble of People, rose instantly upon it, and, assailing the Duke's House, slew him and several of his Servants. Nor did it stop here, for the Rabble creating for their Leader one Sir *John Egremont*, a factious Person, and one who for a long time had born the King an ill Will ; being animated, also, by another Incendiary, a mean Fellow, called *John a Chambre*, who bore a principal Sway amongst them, they broke out into an open Rebellion, and gave out in flat Terms, that they would march against King *Henry*, and fight for the Maintenance of their Liberties.

When the King was advertised of this new Insurrection, which, says the noble Historian, was a Fever which almost took him every Year ; according to his Manner, he seemed little troubled at it, but sent down the Earl of *Surrey* with a sufficient Force against the Rebels ; who, fought
 wit,

Which is suppressed ;

with, and defeated them, taking Prisoner one of King Henry VII. their Leaders *John a Chambre*; the other, Sir *John Egremont*, found means to escape into *Flanders*, to the Lady *Margaret* Duchess of *Burgundy*; whose Court was then an *Asylum* for all the Enemies to King *Henry*.

Soon after this Defeat the King came down to *York*, where *John a Chambre* was executed in great State; for he was hanged upon a Gibbet, raised a Stage higher than a Pair of square Gallows, in the midst of which it was placed; and, as a Traitor paramount, he was mounted, whilst the chief of his Accomplices were hanged on a lower Story round about him. The rest of the Rebels were pardoned; and the King having well settled these Northern Commotions, returned to *London*; leaving the Earl of *Surrey* his Lieutenant in those Parts, and Sir *Richard Tunstall* for his principal Commissioner to levy the Subsidy; of which, adds the noble Historian, he did not remit one Denier. This Insurrection happened in the Year 1489. And,

And the Chiefs
executed.

At the End of this fourth Year of his Reign, the King thought fit to call another Parliament, but the express Time is not mentioned in *Dugdale*; for the Summons to this, and the Parliaments in the two succeeding Years, are not to be found on the Rolls (u). However, the *Statute-Books* say, it began on *January 13, Anno Regni 4.*

Lord *Bacon* observes, that the King did not call this Parliament so soon after the last, for any particular Occasion of State; but because the former Parliament, being ended somewhat too suddenly, in regard of the Preparation for *Brittany*, he thought he had not remunerated his People sufficiently with good Laws, which evermore was his Retribution for Treasure. But tho' the Stile of our noble Historian be somewhat too stiff for these

Anno Regni 4.
1489-90.

(u) *Anno 4, 5 & 6 Hen. VII. Nullæ Summonitiones recordatæ.*
DUGDALE's Summons to Parliament.

King Henry VII. these Times, yet his Matter and Connection are so consonant to this Design, that we shall make no Apology for another long Quotation from him, in his own Words, as follows :

Laws made in
this Parliament.

‘ The King finding by the Insurrection in the *North*, there was Discontentment abroad, in respect of the Subsidy, he thought it good to give his Subjects yet farther Contentment, and Comfort in that kind. Certainly his Times for good Commonwealths Laws did excel ; so as he may justly be celebrated for the best Law-giver to this Nation, after King *Edward* the First. For his Laws (who so marks them well) are deep, and not vulgar ; not made upon the Spur of a particular Occasion for the present, but out of Providence of the future, to make the Estate of his People still more and more happy ; after the manner of the Legislators in ancient and heroical Times.

Relating to Fines ;

‘ First, therefore, he made a Law, suitable to his own Acts and Times. For, as himself had in his Person and Marriage made a final Concord, in the great Suit and Title for the Crown ; so by this Law he settled the like Peace and Quiet in the private Possessions of the Subjects. Ordaining, That Fines thenceforth should be final, to conclude all Strangers Rights ; and that upon Fines levied, and solemnly proclaimed, the Subject should have his Time of Watch for five Years after his Title accrued ; which, if he fore-passed, his Right should be bound for ever after ; with some Exception nevertheless, of Minors, married Women, and such incompetent Persons.

‘ This Statute did in effect but restore an ancient Statute of the Realm, which was itself also made but in Affirmance of the Common-Law. The Alteration had been by a Statute, commonly called *the Statute of Non-Claim*, made in the Time of *Edward* the Third. And surely this Law was a kind of Prognostic of the good Peace, which

which since his Time hath for the most Part continued in this Kingdom, until this Day. For Statutes of *Non-Claim* are fit for Times of War, when Mens Heads are troubled, that they cannot intend their Estate; but Statutes, that quiet Possessions, are fittest for Times of Peace, to extinguish Suits and Contentions, which is one of the Banes of Peace.

‘ Another Statute was made of singular Policy, for the Population apparently, and (if it be thoroughly considered) for the Soldiery and Military Forces of the Realm.

‘ Inclosures at that time began to be more frequent, whereby Arable Land which could not be manured without People and Families) was turned into Pasture, which was easily rid by a few Herdsmen; and Tenancies for Years, Lives and at Will (whereupon much of the Yeomanry lived) were turned into Demesnes. This bred a Decay of People, and (by consequence) a Decay of Towns, Churches, Tithes, and the like. The King likewise knew full well, and in no wise forgot, that there ensued withal upon this a Decay and Diminution of Subsidy and Taxes; for the more Gentlemen, ever the lower Books of Subsidies. In remedying of this Inconvenience, the King’s Wisdom was admirable, and the Parliament’s at that Time. Inclosures they would not forbid, for that had been to forbid the Improvement of the Patrimony of the Kingdom; nor Tillage they would not compel, for that was to strive with Nature and Utility. But they took a course to take away depopulating Inclosures, and depopulating Pasturage, and yet not by that Name, or by any imperious express Prohibition, but by Consequence. The Ordinance was, That all Houses of Husbandry, that were used with twenty Acres of Ground, and upwards, should be maintained and kept up for ever; together with a competent Proportion of Land to be used and occupied with them;

King Henry VII.

The Soldiery;

Inclosures of Land.

King Henry VII. them, and in no wise to be severed from them ; as by another Statute, made afterwards in his Successor's Time, was more fully declared. This upon Forfeiture to be taken ; not by way of popular Action, but by Seizure of the Land itself, by the King and Lords of the Fee, as to half the Profits, till the Houses and Lands were restored. By this means the Houses being kept up, did of Necessity inforce a Dweller ; and the Proportion of Land for Occupation being kept up, did of Necessity inforce that Dweller, not to be a Beggar or Cottager, but a Man of some Substance, that might keep Hinds and Servants, and set the Plough on going. This did wonderfully concern the Might and Manhood of the Kingdom, to have Fermes, as it were of a Standard sufficient to maintain an able Body out of Penury ; and did in effect amortize a great Part of the Lands of the Kingdom unto the Hold and Occupation of the Yeomanry, or middle People, of a Condition between Gentlemen and Cottagers or Peasants. Now, how much this did advance the military Power of the Kingdom, is apparent by the true Principles of War, and the Examples of other Kingdoms. For it hath been held by the general Opinion of Men of best Judgment in the Wars (howsoever some have varied, and that it may receive some Distinction of Case) that the principal Strength of an Army consisteth in the Infantry or Foot. And to make good Infantry, it requireth Men bred, not in a servile or indigent Fashion, but in some free and plentiful Manner. Therefore, if a State run most to Noblemen and Gentlemen, and that the Husband-men and Plough-men be but as their Work-folks and Labourers, or else meer Cottagers (which are but House-Beggars) you may have a good Cavalry, but never good stable Bands of Foot ; like to Coppice-Woods, that if you leave in them Staddles too thick, they will run to Bushes and Briars,

Briars, and have little clean Underwood. And King Henry VII. this is to be seen in *France* and *Italy*, and some other Parts abroad, where in effect all is Noblesse, or Pefantry; I speak of People out of Towns, and no middle People; and therefore no good Forces of Foot: Infomuch, as they are inforced to employ mercenary Bands of *Switzers*, and the like, for their Battalions of Foot: Whereby also it comes to pass, that those Nations have much People, and few Soldiers. Whereas the King saw, that contrariwise it would follow, that *England*, though much less in Territory, yet should have infinitely more Soldiers of their native Forces, than those other Nations have. Thus did the King secretly sow *Hydra's* Teeth, wherefrom (according to the Poets Fiction) should rise up armed Men for the Service of the Kingdom.

‘ The King also (having Care to make his Realm potent, as well by Sea as by Land) for the better Maintenance of the Navy, ordained, That Wines and Woads from the Parts of *Gascoigny* and *Languedoc*, should not be brought but in *English* The Wine-Trade. Bottoms; bowing the ancient Policy of this Estate, from Consideration of Plenty to Consideration of Power. For that almost all the ancient Statutes incite by all means Merchant-Strangers, to bring in all Sorts of Commodities; having for End Cheapness, and not looking to the Point of State concerning the Naval Power.

‘ The King also made a Statute in that Parliament Monitory and Minatory, towards Justices Justices of Peace. of Peace, that they should duly execute their Office; inviting Complaints against them, first to their Fellow-Justices, then to the Justices of Assize, then to the King or Chancellor; and that a Proclamation, which he had published of that Tenor, should be read in open Sessions four Times a Year, to keep them awake. Meaning also to have his Laws executed, and thereby to reap either Obedience or Forfeitures; (wherein towards

King Henry VII. wards his latter Times he did decline too much to the left Hand) he did ordain Remedy against the Practice that was grown in use, to stop and damp Informations upon Penal Laws; by procuring Informations by Collusion to be put in by the Confederates of the Delinquents, to be faintly prosecuted, and let fall at pleasure, and pleading them in bar of the Informations, which were prosecuted with Effect.

Coinage; ' He made also Laws for the Correction of the Mint and counterfeiting of foreign Coin current. And that no Payment in Gold should be made to any Merchant-Stranger, the better to keep Treasure within the Realm, for that Gold was the Metal that lay in least Room.

Woolen Manufacture; ' He made also Statutes for the Maintenance of Drapery, and the keeping of Wools within the Realm; and not only so, but for stinting and limiting the Prices of Cloth; one for the finer, and another for the courser Sort. Which I note, both because it was a rare thing to set Prices by Statute, especially upon our Home-Commodities; and because of the wise Model of the Act, not prescribing Prices, but stinting them not to exceed a Rate, that the Clothier might drape accordingly, as he might afford.

' Divers other good Statutes were made that Parliament, but these were the principal. And here I do desire those, into whose Hands this Work shall fall, that they do take in good Part my long insisting upon the Laws that were made in this King's Reign; whereof I have these Reasons: Both because it was the preheminent Virtue and Merit of this King, to whose Memory I do Honour; and because it hath some Correspondence to my Person; but chiefly, because (in my Judgment) it is some Defect even in the best Writers of History, that they do not often enough summarily deliver and set down the most memorable Laws, that passed in the Times whereof they write,

write, being indeed the principal Acts of Peace. ^{King Henry VII.}
For though they may be had in original Books of Law themselves; yet that informeth not the Judgment of Kings and Counsellors, and Persons of Estate, so well as to see them described, and entered in the Table and Pourtrait of the Times.'

Monf. *Rapin* takes no Manner of Notice of this Parliament. His Annotator hath given us the Heads of some more Statutes made in it, but there were still others, in Reference to the Church, which are not taken Notice of by Lord *Bacon*; but are what we think proper just to mention.

First, an Act was passed, 'That all Letters ^{Religious Houses.}
' Patents granted to any Religious Houses, for
' discharging them from the Payment of Tithes,
' should be void and of no Effect.'

Next, 'Because People were embolden'd by ^{Murder and Rob-}
' the Benefit of the Clergy, to commit Murder, ^{bery.}
' Robbery, &c. To prevent this Inconvenience,
' this Privilege is restrained to the first Offence,
' and new Penalties enacted against Offenders
' in such Cases (x).

We have now a Gap of Time of three Years, before we meet with an Account of another Parliament; in which Interval, the Exigencies of State had render'd it absolutely necessary to have a Quarrel with *France*.

We shall pass over some Altercations, in the noble Historian, between *Henry* and the *French* King, tending more towards shewing a deeper Reach in Politics, than any real Design to enter into an actual War with each other. A more particular Account of which will be as well seen in the Proceedings of the next Parliament; which the King found himself oblig'd to call by Writs, bearing Date at *Westminster*, August 12, to meet at the same Place, on the 17th of *October* following.

(x) Statutes 4. Hen. VII. Cap. 5, 13. COLLIER'S *Eccles. Hist.* p. 703.

432 *The Parliamentary History*

King Henry VII. ing. The first Writ to the Peers is directed to his most dear first-born Son *Arthur*, Prince of *Wales*, &c. a Child then about two Years of Age (*y*).

Anno Regni, 7.
1492.
At Westminster. At the Time appointed, being all assembled as usual, the King himself spoke to them, from the Throne, in these Words :

My Lords, and you the Commons,

The King's
Speech at open-
ing the Session.

When I purposed to make a War in Brittainy by my Lieutenant, I made Declaration thereof to you by my Chancellor ; but now that I mean to make a War upon France in Person, I will declare it to you myself. That War was to defend another Man's Right, but this is to recover our own ; and that ended by Accident, but we hope this shall end in Victory.

The French King troubles the Christian World. That which he hath is not his own, and yet he seeketh more. He hath invested himself of Brittainy. He maintaineth the Rebels in Flanders, and he threatneth Italy. For Ourselves, he hath proceeded from Dissimulation to Neglect, and from Neglect to Contumely. He hath assailed our Confederates ; he denieth our Tribute. In a Word, he seeks War ; so did not his Father, but sought Peace at our Hands ; and so perhaps will he, when good Council or Time shall make him see as much as his Father did.

Mean while, let us make his Ambition our Advantage ; and let us not stand upon a few Crowns of Tribute or Acknowledgement, but (by the Favour of Almighty Good) try our Right for the Crown of France itself ; remembering that there hath been a French King Prisoner in England, and a King of England crowned in France. Our Confederates are not diminished. Burgundy is in a mightier Hand than ever, and never more provoked. Brittainy cannot help us, but it may hurt them. New Acquests are more Burthen than Strength. The Malecontents

Malecontents of his own Kingdom have not been base, popular, nor titulary Impostors, but of an higher Nature. The King of Spain (doubt ye not) will join with us, not knowing where the French King's Ambition will stay. Our Holy Father the Pope likes no Tramontanes in Italy. But howsoever it be, this Matter of Confederates is rather to be thought on than reckoned on. For, God forbid, but England should be able to get Reason of France, without a Second.

King Henry VII.

At the Battles of Cressly, Poictiers, Agencourt, we were of Ourselves. France hath much People, and few Soldiers. They have no stable Bands of Foot. Some good Horse they have, but those are Forces which are least fit for a defensive War, where the Actions are in the Assailants Choice. It was our Discords only that lost France ; and (by the Power of God) it is the good Peace which we now enjoy, that will recover it. God hath hitherto blessed my Sword. I have in this Time that I have reigned, weeded out my bad Subjects and tried my good. My People and I know one another, which breeds Confidence. And if there should be any bad Blood left in the Kingdom, an honourable Foreign War will vent it, or purify it. In this great Business, let me have your Advice and Aid. If any of you were to make his Son Knight, you might have Aid of your Tenants by Law. This concerns the Knighthood and Spurs of the Kingdom, whereof I am Father ; and bound not only to seek to maintain it, but to advance it. But for Matter of Treasure, let it not be taken from the poorer Sort ; but from those, to whom the Benefit of the War may redound. France is no Wilderness ; and I, that profess good Husbandry, hope to make the War, after the Beginnings, to pay itself. Go together in God's Name, and lose no Time ; for I have called this Parliament wholly for this Cause.

Lord Bacon observes, ' That the Parliament took Fire immediately at this Speech, being ever affectionate to a War with France ; but, at this

434 *The Parliamentary History*

King Henry VII. Time the more so, in order to repair the Dishonour they thought the King had sustained by the Loss of *Britany*.

A War with
France resolved
on.

A Benevolence
granted by Par-
liament.

Therefore they advised the King, with great Alacrity, to undertake the War of *France*. And although the Parliament consisted of the First and Second Nobility, together with the principal Citizens and Townsmen, yet worthily and justly respecting more the People, whose Deputies they were, than their own private Persons; and finding by the Lord Chancellor's Speech the King's Inclination that Way, they consented that Commissioners should go forth, for the gathering and levying of a *Benevolence*, from the more able Sort. This Tax, called *Benevolence*, was devised by *Edward* the Fourth, for which he sustained much Envy. It was abolished by *Richard* the Third, by Act of Parliament, to ingratiate himself with the People; and it was now revived by this King, but with Consent of Parliament, for so it was not in the Time of King *Edward* the Fourth. But by this Way he raised exceeding great Sums; insomuch as the City of *London*, in those Days, contributed nine thousand Pounds and better, and that chiefly levied upon the wealthier Sort. There is a Tradition of a Dilemma, that Bishop *Morton*, the Chancellor, used to raise up the Benevolence to higher Rates; some called it his Fork, and some his Crotch. For he had couch'd an Article in the Instructions to the Commissioners, who were to levy the *Benevolence*, That if they met with any that were sparing, they should tell them, that they must needs have because they laid up; and if they were Spenders, they must needs have because it was seen in their Port, and Manner of living. So neither Kind came amiss.

This Parliament was merely a Parliament of War; for it was in Substance but a Declaration of War against *France* and *Scotland*, with some Statutes conducing thereunto; as the severe punishing of Mortpays, and keeping back of Soldiers

Soldiers Wages by Captains ; the like Severity King Henry VII. for the Departure of Soldiers without Licence ; strengthening of the common Law in Favour of Protections, for those that were in the King's Service ; and the setting the Gate open and wide, for Men to sell or mortgage their Lands without Fines for Alienation, to furnish themselves with Money for the War ; and lastly, the avoiding of all *Scottish* Men out of *England*. There was also a Statute, for the dispersing of the Standard of the Exchequer, throughout *England* ; thereby to size Weights and Measures ; and two or three more of less Importance.'

Old *Fabian*, an Historian in these very Times, mentions the Sum which the City of *London* was obliged to pay to this *Benevolence*, more particularly than Lord *Bacon*. He says, ' That this Year, 1492, a great *Benevolence* was granted the King for his Journey into *France*. Towards which the Company of Drapers gave more than any other Fellowship in the City. Every Alderman then in Being, *volente volente*, paid 200 *l.* over and above the Sum that was given from the Chamber of *London*, which amounted to 9682 *l.* 17 *s.* 4 *d.* A mighty Sum in those Days, when, the same Author tells us, that a Bushel of Wheat was sold this very Year for two and twenty Pence ; but two Years after for Sixpence (a). ' Other Chronicles tell us, that the King was willing to ease his lower Kind of Subjects from Taxations, knowing very well the Difficulty of raising the last ; and therefore fell upon this Way of a *Benevolence* from the richer Sort : But, publish'd at the same Time, that he should measure the Depth of each Man's Affection to him by the Largeness or Smallness of the Gift. This Way of gathering Money, as observ'd above, was first invented by King *Edward* the Fourth, but condemn'd in Parliament in the

E e 2

first

(a) *FABIAN's Chron. An. 1492.*

436 *The Parliamentary History*

King Henry VII. first of *Richard III.* however, *Henry* thought fit to revive it, with the Consent of this Parliament, and great Sums of Money were collected by these Means ; tho' not without some Grudges from the Donors.

Hall (b) makes a very pertinent Remark upon the Occasion. ' By this, *says he*, a Man may perceive, that what is once practis'd for the Utility of a Prince, and brought to a Precedent by Matter of Record, may be turned to the great Prejudice of the People ; if Rulers, in Authority, will so adjudge and determine it.'

Mighty Preparations and Levies were now made for the *French War*, and the King actually embark'd with them at *Sandwich*, *October* the 6th, and the same Day he landed at *Calais*. Afterwards *Henry* besieged *Bulloign*, in Form ; but there he received such Overtures of a Peace from the *French King*, as were very acceptable to him ; and *Money*, the Idol which *Henry* always worshipped, soon brought it to a Conclusion. In short, the Price of a Peace was stated on one Side, and agreed to on the other ; by which *Henry* fill'd his Coffers, but it was by the emptying of a great many of the Purses of the Nobility and principal Persons in the Army ; who had many of them sold or engag'd their Estates upon the Hopes of this War (c). These stuck not to say, ' That the King had made good what he had said in Parliament ; *That after the War was once begun, he doubted not but to make it pay itself.* And he had kept his Promise accordingly.'

But, tho' the Act for enabling Persons to sell or mortgage their Estates, proved so pernicious to the Nobility at that Time and their Posterity after them ; yet, it has proved of infinite Service to the Commons of *England* ; who, by these Means

(b) *Chron.* Fol. 22.

(c) *Henry* received from the *French King*, in ready Money, 745,000 Ducats, which amounts to 186,250 *l. English* ; and a Pension, or Tribute, of 25,000 Crowns yearly. *J. Speed*, p. 737.

Means have purchased and do now enjoy many King Henry VII.
Estates which anciently belonged to the chief
Nobility of the Kingdom. And, by thus
weakening their Powers, Vassalage was taken off,
and *Henry's* Title, which chiefly lay in the
People, greatly strengthened.

Soon after the King's Return from his extra-
ordinary Winter Campaign into *France*, another
Conspiracy broke out against him ; which had
like to have proved of worse Consequence than
any that hitherto happened. *Margaret*, Dutches
of *Burgundy*, Sister to *Edward IV.* was a
Princess that watched all Opportunities to disturb
Henry's Repose ; and had now spirited up one
Perkin Warbeck, a bold and comely Youth, to
personate *Richard Duke of York*, said to have
been murdered with his Brother in the Tower.
To the noble Historian, and the more general
Histories, we must refer our Readers for the
Particulars of this Affair ; which continued in
Agitation some Years before it was entirely set-
tled (*d*).

In the Midst of these Commotions, *Henry*
thought fit to call another Parliament ; the Writs
of Summons bearing Date at *Westminster*, *Sep-*
tember 15th, for a Parliament to meet at the same
Place on the 14th of *October* following ; which
is scarce a Month's Notice (*e*).

It were to be wished, that the noble Historian Anno Regni 11.
would have introduced this Parliament with the 1497.
At Westminster.
E e 3 same

(*d*) In the Year 1496, King *Henry* granted Licence to one *John Cabot*, a Citizen of *Venice*, and his three Sons *Lewis*, *Sebastian* and *Sancho*, with five Ships, &c. to sail to the *West-Indies*, and make Discoveries of Lands and Countries, as the Record says ; *Quæ Christianis omnibus ante hæc tempora fuerunt incognitæ.* The King was to have one Fifth of the Money and Merchandizes they gained by this Voyage. *Fæd. Ang. Tom. XII. Pag. 597.*

(*e*) *DUGDALE's Summons*, Anno 11. *Hen. VII. P. 481.* There is a very great Mistake in *Kennet's* Marginal Dates of Years, in his Edition. Lord *Bacon* says expressly, that this Parliament was called in the eleventh Year of this King, which was Anno 1497 ; the Notes, all along, make it only 1495 and 1496. *Pag. 612, &c.* *M. Rapin* has fallen into the same Error. — *Fabian* mentions a Parliament held at *Westminster*, in the Year 1494.

438 *The Parliamentary* HISTORY

King Henry VII. same Solemnity as he did the last, with a Speech from the Throne, &c. However, what he does say relating to the Proceedings, since he is our principal Guide, take in his own Phrase and Manner, as follows :

Acts pass'd.

‘ This Year also, the King called his Parliament ; where many Laws were made, of a more private and vulgar Nature, than ought to detain the Reader of an History. And it may be justly suspected, by the Proceedings following, that as the King did excel in good Commonwealth Laws, so nevertheless he had, in secret, a design to make use of them, as well for collecting of Treasure, as for correcting of Manners ; and so, meaning thereby to harrow his People, did accumulate them the rather.

‘ The principal Law, that was made this Parliament, was a Law of a strange Nature ; rather just than legal, and more magnanimous than provident. This Law did ordain, That no Person that did assist in Arms, or otherwise, the King for the time being, should afterward be impeached therefore, or attainted, either by the Course of the Law, or by Act of Parliament : But, if any such Act of Attainder did happen to be made, it should be void, and of none Effect ; for that it was agreeable to Reason of Estate, that the Subject should not enquire of the Justness of the King’s Title, or Quarrel ; and it was agreeable to good Conscience, that, whatsoever the Fortune of the War were, the Subject should not suffer for his Obedience. The Spirit of this Law was wonderfully pious and noble ; being like in Matter of War unto the Spirit of *David* in Matter of Plague, who said, *If I have sinned, strike me ; but what have these Sheep done ?* Neither wanted this Law Parts of prudent and deep Fore-sight : for, it did the better take away occasion for the People to busy themselves, to pry into the King’s Title ; for that howsoever it fell, their Safety was already provided

provided for. Besides, it could not but greatly ^{King Henry VII.} draw unto him the Love and Hearts of the People, because he seemed more careful for them, than for himself. But yet nevertheless, it did take off from his Party that great Tie and Spur of Necessity, to fight and go Victors out of the Field; considering their Lives and Fortunes were put in Safety, and protected, whether they stood to it, or ran away. But the Force and Obligation of this Law was in itself illulory, as to the latter Part of it, by a precedent Act of Parliament, to bind or frustrate a future. For a supreme and absolute Power cannot conclude itself, neither can that which is in Nature revocable be made fixed; no more than if a Man should appoint or declare by his Will, that if he made any latter Will, it should be void. And for the Case of the Act of Parliament, there is a notable Precedent of it in King *Henry* the Eighth's Time; who, doubting he might die in the Minority of his Son, procured an Act to pass, *That no Statute made during the Minority of the King, should bind him or his Successors, except it were confirmed by the King under his great Seal, at his full Age.* But the first Act that passed in King *Edward* the Sixth's Time, was an Act of Repeal of that former Act; at which time, nevertheless, the King was a Minor. But Things that do not bind may satisfy for the time.

‘ There was also made a shoaring or underproping Act for the *Benevolence*, to make the Sums which any Person had agreed to pay, and nevertheless were not brought in, to be leviabie by a Course of Law. Which Act did not only bring in the Arrears, but did indeed countenance the whole Business, and was pretended to be made at the Desire of those, that had been forward to pay (f).

E e 4

This

(f) This Act brought in, still, very large Sums to the King's Coffers. The Arrears being very considerable, because the War
with

King Henry VII. ' In this Parliament also was made that good Law ; which gave the Attaint upon a false Verdict between Party and Party, which before was a kind of Evangile, irremediable. It extends not to Causes capital, as well because they are for the most Part at the King's Suit, as because in them, if they be followed in Course of Indictment, there passeth a double Jury, the Indictors and the Triers ; and so not twelve Men, but four and twenty. But it seemeth that was not the only Reason ; for this Reason holdeth not in the Appeal. But the great Reason was, lest it should tend to the Discouragement of Jurors in Cases of Life and Death ; if they should be subject to Suit and Penalty, where the Favour of Life maketh against them. It extendeth not also to any Suit, where the Demand is under the Value of forty Pounds ; for that in such Cases of petty Value, it would not quit the Charge, to go about again.

' There was another Law made against a Branch of Ingratitude in Women, who having been advanced by their Husbands, or their Husbands Ancestors, should alien, and thereby seek to defeat the Heirs, or those in Remainder, of the Lands, whereunto they had been so advanced. The Remedy was, by giving Power to the next, to enter for a Forfeiture.

' There was also enacted that charitable Law, for the Admission of poor Suitors *in Forma Pauperis*, without Fee to Counsellor, Attorney, or Clerk ; whereby poor Men became rather able to vex, than unable to sue. There were divers other good Laws made that Parliament, as we said before ; but we still observe our Manner, in selecting out those, that are not of a vulgar Nature (g).

Though

with *France* having lasted not long, many Persons had declined to pay either in full, or in Part. It appears by the *Public Acts*, that the Archbishop of *Canterbury* was indebted 1500 l. Sterling. *Fæd. Ang.* Tom. XII. P. 632.

(g) See *Statutes at Large Anno Regni Henry VII. Undecimo.*

‘ Though in the Acts of this Parliament, King Henry VII. there is no mention made of the Opposition then on foot; whether out of Policy, or not, is uncertain; or whether the King thought it below him then, to trouble the Houses about it; yet it is certain, that, stout and wise as he was, he was not without his Apprehensions. The Impostor had prevailed upon the King of Scots to espouse his Quarrel; who, actually, invaded *England* the next Year; and *Henry* found himself obliged, at last, to lay the Affair before a Parliament, which was summoned to meet at *Westminster*, on *January* 16th, in the twelfth Year of his Reign.

Lord *Bacon* says, ‘ That the Winter following the King called his Parliament; where, in a Speech Anno Regni 12. 1498. At Westminster. from the Throne, he did much exaggerate both the Malice and the cruel predatory War lately made by the King of *Scotland*; ‘ That this King being in Amity with him, and no ways provoked, The King lays before the Parliament the Imposture of Perkin Warbeck. ‘ should so burn in Hatred towards him, as to drink ‘ of the Lees and Dregs of *Perkin’s* Intoxication, ‘ who was every where else detected and ‘ discarded. And that when he perceived it was ‘ out of his Reach to do the King any Hurt, he ‘ had turned his Arms upon unarmed and unprovided People, to spoil only and depopulate, contrary to the Laws both of War and Peace: ‘ Concluding, that he could neither with Honour, ‘ nor with the Safety of his People, to whom he ‘ did owe Protection, let pass these Wrongs unrevenged.’ The Parliament understood him well, and gave him a Subsidy, limited to the Sum of A Subsidy granted 120,000 *l.* besides two *Fifteenths*. For his Wars were always to him as a Mine of Treasure, of a strange Kind of Ore, Iron at the Top, and Gold and Silver at the Bottom. At this Parliament (for that there had been so much Time spent in making Laws the Year before, and for that it was called purposely in respect of the *Scottish* War) there were no Laws made, to be remembered.
Only

King Henry VII. Only there passed a Law, at the Suit of the Merchant-Adventurers of *England*, against the Merchant-Adventurers of *London*, for monopolizing and exacting upon the Trade: Which it seemeth they did, a little to save themselves, after the hard Time they had sustained by Want of Trade. But those Innovations were taken away by Parliament.

The Subsidy granted this Parliament, according to *Fabian*, was two *Tenths* and a Half, two *Aides* and two *Fifteenths*, in order to raise the Sum of 120,000 l. for the *Scotch War*. The King borrow'd also of the City of *London* 4000 l. but *Hall* and *Hollingshead* both say, that though this Subsidy, now granted, was not great, yet the common People grudged much to pay it; always hating such Taxes and Exactions.

The *French* Jesuit remarks, that *Henry* loved Money so well, that he made a Trade of both Peace and War to gain it; selling the former to Strangers, and the latter to his own Subjects. Under this Precaution, adds this Author, the *English* Nation, the least tractable of all Nations in paying Taxes to their Kings, are always on their Guard against him when he goes upon that Article (*b*). And, indeed, no sooner this Subsidy began to be levied in *Cornwal*, but the *Cornish* Men rose in an actual Rebellion against it; under the Leading of one *Flammock*, a Lawyer, and one *Michael Joseph*, a Blacksmith. These Captains marched their Followers towards *Kent*; and at *Welles* were joined by *James Touchet*, Lord *Audley*, who, to the great Joy of the Insurgents, accepted of the sole Command over them. From *Welles* they marched to *Blackheath*, where the King's Forces met and defeated them without much Trouble;

A Rebellion in
Cornwal.

(*b*) *Le Peuple Anglois, le moins docile de tout le Peuples a payer des Subsidies a ses Rois, estoit toujours en Garde contre luy quand il s'agissoit de cet Article.*

Hist. de Revol. d'Angleterre; par Pere D'Orleans. Tom. II. p. 336.

Trouble ; the Lord *Audley* and the other Leaders King Henry VII. were taken Prisoners, and soon after executed.

Not long after the Conclusion of the last Parliament, *Perkin's* Affairs came to a Crisis ; and after many Struggles to subvert the present Government, he was taken at last, and committed Prisoner to the Tower ; from whence, not long after, he was drawn to *Tiburn*, and there executed. Perkin executed. But, though this Execution may be said to be just enough, another followed, soon after, which must carry an eternal Stain of Infamy.

Edward Plantagenet, Son to *George Duke of Clarence*, who had been a Prisoner almost from Edward Plantagenet put to Death. his Cradle, was now thought proper to be sacrific'd to the Policy of the Times (i). A Marriage

was then transacting between Prince *Arthur*, King *Henry's* eldest Son, and the Princess *Katherine*, Daughter to *Ferdinand* and *Isabella*, King and Queen of *Spain*. The *Spanish* Court objected to the Match, because *Henry's* Title might be yet disputed whilst a Male Heir of the House of *York* was still living. *Henry* soon removed that Obstacle ; and, on a feigned Accusation, had the poor Prince arraigned and executed.

But, though the Marriage took Place upon this, yet it prov'd a very unhappy one to the Princess. Prince *Arthur* died, as is said, before Arthur, Prince of Wales, married. Consummation ; and the Princess being afterward

married to *Henry* the King's second Son, was, after twenty Years Cohabitation, divorced from him. On the Declaration of which, the unhappy Queen used this remarkable Expression ; *That she had not offended ; but that it was a Judgment of God, for that her former Marriage was made in Blood.*

Henry

(i) *Hall* writes, that this poor Prince was kept close Prisoner, almost from the Sight of Men, but especially of Birds and Beasts ; insomuch that he could not tell a Goose from a Capon.

An. 15. Hen. 7. Fol. 1.

444 *The Parliamentary History*

King Henry VII. Henry, being now freed from all his Enemies, set himself earnestly to indulge his favourite Passion of Avarice. And, to that End made Use of very scandalous Ways and Means ; of which the noble Historian is full of Instances. But, it was not till seven Years after the last, that he thought fit to summon another Parliament ; a larger Space of Time from calling those Assemblies, than we have met with in many preceeding Reigns. The Summons to this Parliament is not on Record ; or at least, is not in *Dugdale* ; but our Statute-Books inform us, that it met on the 16th Day of *January*, in the 19th Year of this Reign.

Anno Regni 19.
1505.
At Westminster.

The King's Pretence in assembling this Parliament, was the Necessity of reviving certain Statutes and making some new ones. But, the real Motive was to demand a Subsidy for his eldest Daughter's Dowry, just then married to the King of *Scots*. The Custom of demanding Money on such Occasions, says *Rapin (k)*, was too advantageous to this King to suffer it to be abolished. The new Queen's Portion was but 30,000 Nobles ; but, the Subsidy granted may be well thought more considerable, besides a handsome Present made by the Clergy on the same Account. So that instead of emptying his Coffers, by the Marriage of his Daughter, he fill'd them the fuller for it.

Old *Fabian*, whose Chronicle ends in the last Year of this King, informs us, that it was not a Subsidy, but only an Aid of 36,000 l. that was granted ; though, he does not tell us whether it was on the Marriage of the Princess, or not.

Lord *Bacon* begins his Account of the Proceedings in this Parliament with observing, ' That a Man may easily guess how absolute the King took himself to be with his Parliament, when his Creature *Dudley*, that was so odious to the Public, was made Speaker of the House of Commons.

Edmund Dudley,
Esq; chose Speak-
er.

(k) *Fol. Edit.* p. 687.

mons. He tells us, that there were not any memorable Statutes made in it, relating to public Government ; and those that were pass'd, had still a Stamp of the King's Wisdom and Policy ; that is, of his Craft and Avarice. The noble Historian hath given us so full a View of this King's unjust Exactions, drawn up in a very few Words, at the End of his Account of the Acts made in this Parliament, that it cannot be unacceptable to our Readers.

King Henry VII.

Laws enacted.

‘ There was a Statute made for the disanulling of all Patents of Lease or Grant, to such as came not upon lawful Summons, to serve the King in his Wars, against his Enemies or Rebels, or that should depart without the King's Licence ; with an Exception of certain Persons of the Long Robe. Providing nevertheless, that they should have the King's Wages, from their House, till their Return Home again. There had been the like made before for Offices, and by this Statute it was extended to Lands. But a Man may easily see by many Statutes made in this King's Time, that the King thought it safest to assist Martial Law by Law of Parliament.

‘ Another Statute was made, prohibiting the bringing in of Manufactures of Silk wrought by itself, or mix'd with any other Thread. But it was not of Stuffs of whole Piece (for that the Realm had of them no Manufacture in Use at that Time) but of Knit Silk, or Texture of Silk ; as Ribbands, Laces, Cawls, Points, and Girdles, &c. which the People of *England* could then well skill to make. This Law pointed at a true Principle ; that where Foreign Materials are but Superfluities, Foreign Manufactures should be prohibited. For that will either banish the Superfluity or gain the Manufacture.

‘ There was a Law also of Resumption of Patents of Goals, and the re-annexing of them to the Sheriffwicks ; priviledg'd Officers being no less

446 *The Parliamentary History.*

King Henry VII. less an Interruption of Justice, than priviledg'd Places.

‘ There was likewise a Law to restrain the Bye-Laws or Ordinances of Corporations, which many Times were against the Prerogative of the King, the Common Law of the Realm, and the Liberty of the Subject, being Fraternities in Evil. It was therefore provided, that they should not be put in Execution, without the Allowance of the Chancellor, Treasurer, and the two Chief Justices, or three of them, or of the two Justices of Circuit where the Corporation was.

‘ Another Law was, in Effect, to bring in the Silver of the Realm to the Mint, in making all clipped, diminished, or impair'd Coins of Silver (1), not to be current in Payments; without giving any Remedy of Weight, but with an Exception only of a reasonable Wearing, which was as nothing in respect of the Uncertainty; and so, upon the Matter, to set the Mint on Work, and to give Way to new Coins of Silver, which should be then minted.

‘ There was likewise a long Statute against Vagabonds, wherein two Things may be noted; the one the Dislike the Parliament had of Goaling of them, as that which was chargeable, pesterous, and of no open Example. The other, that in the Statutes of this King's Time, for this of the nineteenth Year is not the only Statute of that Kind, there are ever coupled, the Punishment of Vagabonds, and the forbidding of Dice, and Cards, and unlawful Games, unto Servants and mean People, and the putting down and suppressing of Ale-Houses, as Strings of one Root together, and as if the one were unprofitable without the other.

‘ As for Riot and Retainers, there passed scarce any Parliament in this Time without a Law against

(1) Groats, Half Groats, and Shillings with Half Faces. *Fab.*

against them, the King ever having an Eye to King Henry VII. Might and Multitude.

There was granted also in that Parliament a Subsidy and a Subsidy, both for the Temporality and the Benevolence.

Clergy. And yet nevertheless, e'er the Year expir'd, there went out Commissions for a general Benevolence; though there were no Wars, no Fears. The same Year the City gave 5000 Marks, for Confirmation of their Liberties; a Thing fitter for the Beginnings of Kings Reigns, than the latter Ends. Neither was it a small Matter, that the Mint gained upon the late Statute, by the Re-coinage of Groats and Half Groats, now Twelve-pences, and Six-pences. As for *Empson* and *Dudley's* Mills, they did grind more than ever. So that it was a strange Thing, to see what Golden Showers poured down upon the King's Treasury at once. The last Payments of the Marriage-Money from *Spain*; the Subsidy; the Benevolence; the Re-coinage; the Redemption of the City's Liberties; the Casualties. And this is the more to be marvell'd at, because the King had then no Occasions at all of Wars or Troubles. He had now, but one Son and one Daughter unbestow'd. He was wise; he was of an high Mind; he needed not to make Riches his Glory. He did excel in so many Things else; save that certainly Avarice doth ever find in itself Henry's excessive Matter of Ambition. Belike he thought to leave Avarice. his Son such a Kingdom, and such a Mass of Treasure, as he might choose his Greatness where he would (m).

This was the last Parliament called in the Reign, of *Henry VII.* who lived not three Years after the Dissolution of it. He died at *Richmond*, in His Death and *Surrey*, April 22, 1508. in the 52d Year of his Character. Age, and the 23d of his Reign.

The *French* Jesuit, before quoted, has drawn up this Prince's Character in a very sublime and copious

(m) Lord BACON.

King Henry VII. copious Manner. We are persuaded that a translated Abstract of it cannot be improper to conclude this Reign (*n*).

After mentioning his excessive Avarice in the Accumulation of Riches, by Means of his two chief Solicitors, *Empson* and *Dudley*; he adds, ' That notwithstanding this, *Henry* was a great Prince, of a superior and solid Sense, of approved Valour, profound Politics, and of great Application to public Affairs. Making War with Conduct, without loving of it; and affecting Peace without seeming to demand it. Lively and active, but always circumspect; knowing better than any other Prince the real and solid Interest of his State, and the Alliances agreeable to it. No King of *England* ever knew better the Secret how to make the Royal Prerogative and the People's Privileges consonant to each other; nor the Temper he ought to keep to be Master of the Parliament, without seeming to force a Compliance from them. He had neither Favourites nor Mistresses; paid all due Respect to his Mother, loved his Wife and educated his Children well; but never let his Family concern themselves with the State. In the Command of his Armies, and the Management of public Affairs, he always employ'd Men of Quality, rather than other Men; but, he ever preferred the ablest and most deserving of them.

' In short, he did Abundance for a Prince that passed from Exile to a Throne; who had found the Kingdom torn to Pieces, as it were, by a long and bloody Civil War, carried on by two great Factions, and to leave it peaceable throughout. To begin a new Royal Family, and in the Person of his second Son, *Henry*, who after the Death of *Arthur* was Prince of *Wales*,

(*n*) *Hist. de Revel. de Ang. par Pere D'Orleans.*

Tom. II. p. 341, &c.

‘ to leave a Successor every Way agreeable to all King Henry VII.
 ‘ his Subjects; his eldest Daughter, *Margaret*, mar-
 ‘ ried to the King of *Scots*; and his youngest, *Mary*,
 ‘ betrothed to the then Archduke of *Austria*, whom,
 ‘ at that Time, so many Kings regarded.’



TAXES during the Reign of King HENRY VII.

IN his third Year a large *Supply* was granted him for a War with *France*; but the Value of it uncertain.

In his seventh Year a *Benevolence* was granted by Parliament, for the same Purpose.

In his eleventh Year the remaining Arrears thereof were collected to the full.

The next Year he had a *Subsidy* of 120,000 l. besides two *Fifteenths*.

In his nineteenth Year he had an Aid of 36,000 l. for the Dowry of his eldest Daughter, then married to the King of *Scots*.

And, in the same Year, a *Subsidy* in Parliament, both from the Temporality and Clergy; nevertheless he issued out Commissions for raising a general *Benevolence*.

TENTHS and FIFTEENTHS have been, and will be, so often mentioned in the Course of this Work, that the Reader may well desire an Explanation of those Terms. Our ablest Lawyers are puzzled about it, and the Manner how they were collected; what we have met with relating to that Affair is not entirely satisfactory; because, we presume, they varied with the Times, and were charged upon Goods and Chattels rather than Land, especially in Cities and great Towns. But let the following Explanation speak for itself.

A *Fifteenth*, or *Quinzieme*, is a Tax of Money, laid upon a City, Borough, or other Town, throughout the Realm; and so called, because it amounted to a fifteenth Part of that which the City or Town had been, of old, valued at: And therefore every Town knew what a *Fifteenth* for themselves did amount to; which was in Proportion to the Land or Circuit about it. Thus *Cambden* says of *Bath*, *Geldebat pro viginti Hidis*. Whereas a *Subsidy* was raised upon every particular Man's Goods,

Goods, or Lands, and therefore was uncertain; because the Estate of every particular Man is uncertain (a).

The last Edition of this *Law-Dictionary* adds, That these Rates were taken out of *Doomsday-Book*, in the *Exchequer*; as *Camden* again witnesses of *Welles*, in *Somersetshire*, thus; *Quo Tempore, ut testatur Censualis Angliæ Liber, Episcopus ipsum Oppidum tenuit, quod pro quinquaginta Hidis geldavit*; and so of other Towns: By which it appears, that, of old Time, this seemed to be a yearly Tribute in Certainty: Whereas now, tho' the Rate be certain, yet it is not levied but by Parliament. To this we may add, That these Kinds of Taxations were imposed by the King at his Pleasure, till *Edward I.* bound himself and his Successors, from that Time forward, not to levy it but by Consent of the Realm (b).

*The PRICE of PROVISIONS in the Reign of
HENRY VII.*

IN 1485, Wheat sold at 3 s. *per* Bushel, and Bay Salt the same Price. Hay, 5 s. *per* Load.—In 1489, Oats at 2 s. *per* Quarter.—In 1491, Wheat, 14 s. 8 d. *per* Quarter.—In 1493, Oats at 2 s. and Beans 3 s. 4 d. *per* Quarter.—In 1494, Wheat sold for only 4 s *per* Quarter, and the next Year only 3 s. 4 d. But in 1497, it rose to 20 s.—In 1498, Hay sold from 8 s. 2 d. to 10 s. and 12 s. *per* Load.—The next Year, Wheat sold for 1 l. 4 s. *per* Quarter; and in 1504, for 5 s. 8 d. *per* Bushel.—The next Year a Load of Hay sold for 6 s. and Oats, 3 s. *per* Quarter.—In 1506, Oats, 2 s. and Beans, 3 s. 8 d *per* Quarter. Next Year about the same Price.—And, in 1508, Oats sold for 1 s. 10 d. *per* Quarter.

(a) *Cowel's Dictionary.*

(b) See Vol. I. p. 107, and 114.

The END of the SECOND VOLUME.

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London 1751

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